United Nations S/PV.4972

Security Council

Fifty-ninth year

Provisional

4972nd meeting

Wednesday, 19 May 2004, 5.25 p.m.
New York

President:	Mr. Akram	(Pakistan)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yañez Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East, incuding the Palestinian question

Letter dated 17 May 2004 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/2004/393)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-35703 (E)

The meeting was called to order at 5.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

Letter dated 17 May 2004 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/2004/393)

The President: I should like to inform the Council that I have received a letter from the representative of Israel, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Gillerman (Israel) took a seat at the Council table.

The President: I should like to inform the Council that I have received a letter dated 19 May 2004 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2004/406, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council being held today, Wednesday, 19 May 2004, regarding the situation in the Middle East, including the Palestinian question."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President: The Security Council will begin its consideration of the item on its agenda. The Council is meeting in response to the request contained in a letter dated 17 May 2004 from the Permanent Representative of Yemen, which has been issued as document S/2004/393.

Members of the Council have before them document S/2004/400, which contains the text of a draft resolution submitted by Algeria and Yemen.

I should also like to draw attention to the identical letters dated 17 May 2004 addressed to the Secretary-General and the President of the Security Council from the Permanent Observer of Palestine, which have been issued as document S/2004/394.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:
Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland

Abstaining:
United States of America

The President: The result of the voting is as follows: 14 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 1544 (2004).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Baali (Algeria) (*spoke in French*): My delegation welcomes the Security Council's adoption of a resolution on the situation in the Palestinian territory, a resolution that unambiguously condemns the killing that openly occurred in Rafah, where dozens of unarmed civilians, including many children, have

fallen victim to the bullets and the missiles of the Israeli army, which has been caught red-handed in its barbaric acts before the cameras of the entire world. We also welcome the fact that the Security Council has expressed its grave concern at the large-scale demolition of homes, which is in flagrant violation of international law and the Fourth Geneva Convention, and that the Council has called upon Israel to cease such practices.

My delegation is particularly pleased that the Security Council, united today in its rejection of Israel's scandalous conduct, has decided finally to send Israel a strong signal, long-awaited by the international community, that it cannot continue with impunity to flout the Council's authority and to trample underfoot the norms of international law. The international community now expects Israel to abide by its will, to put an immediate end to its policy of aggression, destruction and provocation of the Palestinian people and to commit itself in good faith to abide by its commitments, as laid out in the road map. In particular, as requested at the Quartet meeting of 4 May, it must take certain steps:

(*spoke in English*)

> "the Government of Israel should take no actions undermining trust, including deportations; attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan".

(*spoke in French*)

It is equally important, in that context, for Israel, as called upon by the Secretary-General, to immediately halt its military operations in Rafah and to withdraw its troops without delay. After today's butchery, Israel would be well advised to heed, for once, the voice of reason.

Finally, I would again like to thank all the members of the Security Council for their cooperation and for their support for the text we have adopted, which demonstrates that the Council is able to meet its responsibilities and respond to the expectations of the international community.

Mr. Cunningham (United States of America): We deeply regret the loss of life among innocent Palestinian civilians today in Gaza. While we believe that Israel has the right to act to defend itself and its citizens, we do not see that its operations in Gaza in the past few days serve the purposes of peace and security. They have worsened the humanitarian situation and have resulted in confrontations between Israeli forces and Palestinians, and have not, we believe, enhanced Israel's security.

We note that the Government of Israel has expressed its deep regret for what it called a tragic event. These events, in fact, serve as a grim reminder of the wisdom of Israel disengaging from Gaza and having its security presence replaced by reformed Palestinian security forces that will and must themselves act to stop smuggling and halt terrorism. The road map calls upon the Palestinian Authority to "declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent acts on Israelis anywhere" (*S/2003/529, annex, p. 3*), and to begin "sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure" (*ibid.*).

We have urged the Israeli Government to exercise maximum restraint now. All parties should find a reason to calm the situation. We intend to consult immediately with the relevant parties, which include Israel, the Palestinians and the Government of Egypt, about effective ways to move forward against the smuggling of arms into Gaza and terrorist activities there, so as to create the best possible conditions on the ground, leading toward the disengagement that we continue to favour.

While we are clearly concerned about Israel's operations in Gaza, including the demolition of homes of innocent Palestinians and the deaths of Palestinian civilians, we could not vote in favour of this resolution because we do not believe it addresses sufficiently the context of the recent events in Gaza. It is clear that Palestinian terrorists have been smuggling weapons into Gaza through tunnels in Rafah. It is clear that the Palestinian Authority has not taken serious action to address this threat or to put an end to terrorist acts, as it is obligated to do under the road map. Because these issues are not addressed in the resolution, the United States abstained.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): The Security Council has just adopted a resolution on the latest developments regarding the Palestinian-Israeli conflict. Guided by its fundamental principles, the Russian Federation supported the resolution.

Russia expresses serious concern about the most recent spiral of violence in the confrontation in the Palestinian territories. Israelis and Palestinians, including women and children, continue to die. We have noted with concern the events in Rafah, and we have been particularly alarmed at Israel's destruction of Palestinian homes, which has resulted in the homelessness of more than 2,000 people. Simple people are suffering and innocent victims are being subjected to collective punishment. New seeds of hatred are being sown.

We firmly believe that it is absolutely unfeasible to use force to resolve problems in relations between Palestinians and Israelis. Lasting peace can be achieved only on the basis of a political process and through direct negotiations between the parties on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), which are universally recognized and legally binding. Both the Palestinians and the Israelis must bring their actions in line with the road map for a Middle East peace settlement that they themselves approved. We have repeatedly pointed out in this Chamber the obligations of the parties under the road map.

We condemn terrorism. Any manifestation of terrorism is abhorrent. Israel has the right to defend its citizens, but that right must be exercised in observance of international humanitarian norms, particularly the Geneva Conventions. The destruction of Palestinian homes by Israel aggravates the humanitarian crisis in the Palestinian territories, and that practice must be immediately stopped. The priority task now is the immediate end of violence by both sides and renewed cooperation between the parties on security issues, however difficult that may be. Only thus will we be able to return to the path of political dialogue and implement the provisions of the road map.

As an active participant in the Quartet of international mediators, Russia is doing its utmost to help to create a formula to overcome the current crisis. On the instructions of the Minister for Foreign Affairs of Russia, his special representative for a Middle East settlement is in consultations with regional partners and will work for the implementation of the decisions adopted by the Quartet in New York on 4 May this year.

Mr. Duclos (France) (*spoke in French*): France voted in favour of the resolution just adopted because we believed it essential that the Security Council react swiftly and firmly in the light of the brutal deterioration of the situation in Gaza. It was necessary that the Council make an appeal to reason and restraint, as had already been done by the European Union and by the Secretary-General, whose presence I welcome this afternoon.

France is dismayed at the violence of the last few days and expresses its sympathy to the civilian population affected by Israeli military operations. France, like the European Union, has condemned the large-scale demolition of Palestinian houses in Rafah. That was disproportionate and contrary to international law and to Israel's obligations under the road map. Those obligations were specifically recalled by the Quartet during its 4 May meeting in New York. Similarly, France expects the Palestinian Authority to undertake more determined action in the area of security, particularly with regard to the fight against terrorism.

The house demolitions and the military operations must cease immediately. There is an urgent need for the establishment of a ceasefire that includes all the parties and all the groups and for the immediate implementation by the Palestinian Authority and the Government of Israel of their obligations under the road map.

Mr. Cheng Jingye (China) (*spoke in Chinese*): China is opposed to Israel's large-scale demolition of Palestinian houses, a practice that is in violation of international law. We also condemn the Israeli military actions that have caused heavy civilian casualties in Gaza. Those Israeli actions will only aggravate the already deteriorating situation in the Middle East and will in no way contribute to a resumption of peace talks. China urges Israel to immediately halt such actions and return to the path of a political settlement of the relevant issues. Based on that position, China voted in favour of the draft resolution.

In that connection, I should like to appeal once again to the Israelis and the Palestinians to put an end to the vicious circle of violence, to resume contacts and

dialogue as soon as possible and to implement the relevant obligations under the road map. The international community should also intensify its efforts to press for a speedy resumption of the road map's implementation.

The Government and the people of China have deep sympathy for the sufferings of the Palestinian people. We are prepared to work together with the international community to provide Palestine with appropriate humanitarian assistance.

Mr. Motoc (Romania): Allow me first to acknowledge and welcome the presence at our meeting of the Secretary-General, Mr. Kofi Annan.

Romania voted in favour of this resolution. Indeed, we share the widespread concern over the continuing deterioration of the situation on the ground in the Gaza Strip, including the large-scale demolition of Palestinian homes and the death of a large number of innocent civilians. That development was sadly confirmed today by further reports of fresh violence.

My delegation has already stated on several occasions that, while fully recognizing the right of the State of Israel to defend its citizens, all actions taken in fighting terror must be in compliance with the relevant norms of international law. We are satisfied that the text just adopted reflects the parties' reciprocal obligations in preventing the escalation of violence, among which we believe the need for decisive action against terrorism and the prevention of the illegal transfer and acquisition of weapons in Gaza and the West Bank figure prominently.

At this juncture, we encourage the two parties to declare a ceasefire as a preface to the opening of direct negotiations. As has been stated on previous occasions, a just, comprehensive and lasting peace can be achieved only through negotiations, as envisaged in the road map, and in accordance with the provisions of the relevant resolutions of the Security Council.

Mr. Yañez Barnuevo (Spain) (spoke in Spanish): The Spanish delegation has also joined in the adoption of Security Council resolution 1544 (2004), which from our point of view represents a swift, united, firm and balanced response by the Council to the very worrisome situation that has been developing in the last few days in Gaza. That situation not only has very grave consequences from the humanitarian standpoint, but also jeopardizes the entire peace process in the area.

The Spanish Government has followed these events with great concern and alarm. Today it issued a communiqué emphasizing that the recent military operations carried out by the Israeli army have grave consequences and therefore that the Spanish Government, given its commitment to the quest for a peaceful solution to the conflict, cannot fail to condemn those Israeli operations against Rafah's civilian population, who were protesting the demolition of Palestinian houses. At the same time we once again reaffirm the need for the Palestinian Authority to meet its obligations to deal with terrorist groups that oppose peace.

Spain — which together with the other members of the European Union, as emphasized in the statement of the Council of the European Union a few days ago, recognizes the State of Israel's legitimate right to defend itself within the framework of international law — urges the Israeli authorities to put an end to such actions, which in no way help to advance the path of peace, but rather only impede the creation of an atmosphere of dialogue and negotiation that is necessary to meet the commitments included in the road map. As highlighted at the Quartet's recent meeting in New York, it is essential that the parties return to the path of dialogue and compliance with the commitments of the road map in order to emerge from the current situation.

The Spanish Government, for its part, is doing everything it can. Yesterday and today, we had high-level contacts with Israeli and Palestinian authorities in Madrid. The representative of the European Union foreign policy, Mr. Solana, also participated.

Having said this, we hope that the appeal contained in the resolution just adopted by the Council will be heeded by the parties and that the march towards peace will be resumed as soon as possible and that these serious events, particularly those occurring in Gaza, will end.

The President: I shall now make a statement in my capacity as the representative of Pakistan.

Pakistan voted in favour of the resolution, which, in our view, is the minimum necessary response to the Israeli military incursions in Rafah that have left scores of Palestinian civilians dead or fatally injured. Pakistan

condemns these actions. The blatant attack on demonstrators protesting against the mass military operation today is the latest violation of international humanitarian law, especially of Israel's obligations as an occupying Power under the Geneva Conventions.

The Security Council has the primary responsibility to maintain international peace and security. We believe that silence at this critical juncture is not an option for the Council. It is therefore a matter of some satisfaction that the Security Council has at last been able to pronounce itself on the continued violations of international law and humanitarian norms in the occupied Palestinian territories. It is unfortunate that, in Palestine as in certain other parts of the world, the legitimate campaign to root out terrorism has been abused by the occupying Power to suppress the legitimate right of peoples to self-determination.

Peace in the holy land, as elsewhere, cannot be established merely by imposing a fait accompli on the weaker party. The Israeli actions are bound to further worsen the security situation, which is already volatile due to the continued Israeli occupation of Arab territories. These actions will further aggravate the humanitarian situation prevailing in the occupied territories, particularly in Rafah.

The ability of the Security Council and the international community to bring durable peace to Palestine and the Middle East on the basis of its own resolutions and the Quartet's road map can produce positive results throughout the Arab and Islamic world. Conversely, our failure to do so will further intensify frustration and anger among the Arab and Islamic peoples, increase insecurity and instability in the entire region and escalate support for terrorism and extremism.

I now resume my functions as President of the Security Council.

The Permanent Observer of Palestine has asked for the floor. I give him the floor.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): We are pleased to see you, Sir, the representative of the friendly country of Pakistan, presiding over the Security Council this month. Of course, we thank you for all your efforts.

Our thanks also go to Germany, last month's President of the Council, and its Permanent Representative.

Allow me to join you, Sir, in welcoming the presence of Secretary-General Kofi Annan to this important meeting.

We express our appreciation to the Security Council for its adoption of resolution 1544 (2004) and hope that the Council will follow up on compliance with and implementation of its provisions, an essential matter under the United Nations Charter. We also hope, of course, that Israel, the occupying Power, will comply with the resolution and with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Times of War. First and foremost, however, it must immediately cease its ongoing military operations in the Rafah area. For our part, we stand ready, as we have emphasized in the past, to fulfil our obligations under the road map and to return to the negotiating table.

(*spoke in English*)

Over the past few days and throughout the period since I last addressed the Security Council on the situation in the occupied Palestinian territories, including East Jerusalem, Israel, the occupying Power, has continued and intensified its barbaric military campaign against the Palestinian people. Flagrant violations and grave breaches of international law – war crimes – are being committed by the occupying Power against the Palestinian civilian population every single day, including at this very moment.

In this regard, I believe that it is necessary to recall before this Council that wilful killing, wilfully causing great suffering or serious injury to body or healt h, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, are among those acts considered to constitute grave breaches of the Fourth Geneva Convention.

In grave breach of the Convention, which governs military occupation, and in serious violation of other relevant provisions of international law, Israel continues to use excessive and indiscriminate force against Palestinian civilians, killing men, women and children, and wantonly to destroy Palestinian homes and properties in the occupied Palestinian territories, particularly in the Rafah area of the Gaza Strip. Left defenceless and unprotected by the international community, the Palestinian people continue to suffer the wrath of Israel's violent and lethal occupation policies and practices.

The slaughter today of innocent Palestinian children by the Israeli occupying forces in the Rafah camp is the most recent and most telling illustration of the vicious and barbaric behaviour and actions of that occupying Power. The occupying forces fired at least one missile and several tank shells at a large crowd of about 3,000 Palestinians marching from Rafah towards the Tel Sultan neighbourhood in Rafah in protest against the invasion and destruction of their neighbourhood and the killing of their families, friends and loved ones. These people were unarmed demonstrators, many of them schoolchildren. While the situation on the ground remains chaotic, as of now it is being reported that at least 10 Palestinian civilians were killed in this assault, most of them children; that more than 60 civilians were wounded, including women and children, more than 30 of them in critical condition; and that nine other Palestinians were also killed today in the same area.

This is terrorism. This is State terrorism. These are war crimes, for which the perpetrators must be held accountable under international law. What we have seen today and in recent days and months — the blood of Palestinian civilians flowing in the streets, the demolition of their homes, and their constant humiliation, suffering and collective punishment — is exactly what the Palestinian people have been subjected to under nearly 37 years of Israel's belligerence. It has been a constant barrage of war crimes, State terrorism and systematic human rights violations, for which the international community must hold this occupying Power responsible. The lawlessness and impunity of Israel must be brought to an end, and the Palestinian people must be accorded their rights under international law, including their right to protection as a civilian population under occupation.

Since the start of this month of May, the Israeli occupying forces have killed at least 96 Palestinians, including 28 children. This is the Palestinian death toll in less than three weeks' time. This has included brothers and sisters, fathers and sons. Families and lives are being destroyed by the occupying Power on a wholesale basis as it continues launching military assaults against the Palestinian population. The rate of death and destruction is staggering and continues to rise. From September 2000 to date, more than 3,000 Palestinians — men and women, children and the elderly — have been killed by the Israeli occupying forces. To be exact, at least 3,023 Palestinians have been killed. Many were the targets of extra-judicial killings by the occupying forces, and nearly 600 of the total number of Palestinians killed were children. In that same time period, more than 40,000 Palestinians have also been wounded by the occupying forces.

Palestinian hospitals and emergency rescue personnel, poorly equipped and in desperate need of supplies, have been unable to keep up with the growing number of casualties. Morgues have been unable to keep up with the rising number of dead. Funerals for the martyred have become a daily occurrence. The bloodshed and loss caused by the occupying Power has been great, because Israel has breached every single one of its obligations under international law as an occupying Power. It has blatantly violated all norms and standards of international law, including international humanitarian law and human rights law, and has completely ignored the pleas of the international community to cease its violations against the Palestinian civilian population and to adhere to international law and uphold its obligations. Why? Because that is the core of the mentality of this occupier; it is brutal, vicious and inhumane in all actions against the occupied people, seeking to torment them and impose on them maximum loss, misery and suffering while pursuing its illegitimate aims of colonizing the land and expanding its boundaries.

In addition to the human losses and devastation it is causing, Israel continues to pursue its illegal and inhumane practice of destroying Palestinian homes and properties, causing widespread destruction and material losses and compounding the grief, suffering and humanitarian hardships of the Palestinian people. Thousands of homes and thousands of dunums of Palestinian land have been destroyed by the Israeli occupying forces throughout the occupied Palestinian territories since September 2000. Tens of thousands of Palestinians have been made homeless, the majority of them Palestine refugees who have been displaced and dispossessed yet again.

During the past several days, the occupying Power has escalated this unlawful practice in the Rafah area of the Gaza Strip, including in particular in the Rafah refugee camp, causing excessive and vast destruction. Using armoured bulldozers, tanks and helicopter gunships, the Israeli occupying forces have raided the area, terrorizing the civilian population and

destroying dozens of homes — even attacking some of them while the families were still inside.

Reports indicate that in just the past few days more than 100 homes have been completely destroyed by the occupying forces in Rafah. Some estimates put the toll of destruction much higher, at about 120 homes, and fears continue to rise that even more will be destroyed as Israeli officials threaten to demolish hundreds more homes. As a result of these most recent assaults, more than 1,100 Palestinians have been made homeless, and hundreds of other Palestinians have been fleeing the area, fearing the impending destruction of their homes and property.

Tragically, this is not the first time that the Rafah refugee camp and surrounding area have been besieged and attacked by the Israeli occupying forces. Since September 2000, the Rafah area has been severely targeted. As many here may recall, just over a year ago, a young American, Rachel Corrie, was brutally crushed by a huge armoured Caterpillar bulldozer while trying to prevent the demolition of Palestinian homes in Rafah. Regrettably, those responsible for her tragic death did not even have to explain. They were not held accountable, and the practice of bulldozing the homes of innocent civilians did not cease. Indeed, as home after home and building after building in Rafah are destroyed by the Israeli occupying forces, the entire community is being torn apart, piece by piece, and laid to ruin. Since September 2000, more than 1,300 homes in Rafah alone have been demolished or severely damaged and made unliveable, and more than 12,000 Palestinians have been made homeless.

The humanitarian impact has been overwhelming. The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) has been unable to keep pace with the widespread destruction being caused by the occupying Power within the refugee camps. It has been struggling to provide shelter to house all those who have been displaced and is still trying to repair and rebuild the thousands of refugee homes that have been damaged or destroyed since the start of this military campaign, while now faced with even more destruction and displacement. Yet, within its limited resources, UNRWA continues to provide tents, food and other relief for those devastated refugee families.

With the ongoing military operation being carried out by the Israeli occupying forces in the Rafah area and the declarations made by Israeli officials that hundreds more Palestinian homes there are targeted for demolition, it is clearer than ever that the aim of those Israeli actions is the effective levelling of the Rafah camp and areas in the city of Rafah itself to allow for the enlargement of the so-called security zone by the occupying Power. Indeed, some of the statements made by Israeli officials are starkly clear about this very intention. These ongoing actions are part and parcel, and reveal the exact meaning, of Prime Minister Sharon's "disengagement plan". This is, of course, an attempt to isolate the Gaza Strip from the outside world, ensuring that it has no border with Egypt and thus ensuring the creation of a large prison for the Palestinian civilian population in Gaza.

I wish to impart some basic information about Gaza for the benefit of those who may be unaware of it. Gaza covers a total of only 360 square kilometres. It is a very poor and deprived area with no natural resources — not even water — and constitutes the most densely populated area in the world per square kilometre, with a population of more than 1.3 million people. More than 10 years after Oslo, at least 35 per cent of Gaza remains under the full control of Israel, for the sheer enjoyment of 7,000 colonial Israeli settlers illegally transferred there, and the entirety of Gaza remains a killing field for the Israeli occupying forces to continue their target practice against the other human beings — the Palestinians — who have the misfortune to live there.

Racist ideologies have always fuelled colonialist phenomena, and throughout history colonizers have always committed crimes against the colonized or occupied people. The occupation of the Palestinian territory since 1967 is no exception. However, it must be said that the occupation of Gaza takes the phenomenon to a different level. The occupation of this poverty-stricken area, the relentless killing of its civilian inhabitants, the wanton destruction of homes and shelters and the constant imposition of suffering on the masses there defy all logic and reason. These constitute transgressions against the most fundamental rights and dignity of persons, for which the violators must be held accountable and must be punished. The same applies to those who want to make sure that they destroy what is actually left in Gaza before they presumably leave it.

As I said at the beginning of my statement, the wilful killing and injury of civilians constitutes a grave

breach — a war crime. Without a doubt, therefore, Israel is committing war crimes against the Palestinian people repeatedly. The demolition of one home constitutes collective punishment. The excessive and large-scale demolition of homes and confiscation of property constitute grave breaches: war crimes. This must all be unequivocally condemned by the international community, and measures should be taken to ensure the cessation of all such breaches. Action should be taken to ensure the protection, the safety and the well-being of the Palestinian civilian population under Israeli occupation. Action should also be taken to ensure that due reparations are made to those whose homes and properties have been destroyed.

The international community, including through the Security Council and the Quartet, must act firmly and collectively to uphold international law, to counter the precipitous decline of the situation in the occupied Palestinian territory, including East Jerusalem, and to prevent the complete extinguishing of any hope for a resumption of the peace process towards the resolution of this tragic and unjust conflict.

We reiterate our appreciation to all the members of the Council.

The President: I thank the Permanent Observer of Palestine for his kind words addressed to me.

The representative of Israel has asked for the floor. I give him the floor.

Mr. Gillerman (Israel): At the outset, let me congratulate you, Mr. President, on your able conduct of the work of the Council during the month of May. Let me also commend the stewardship of Ambassador Pleuger during the month of April.

The Council has convened here as usual, at the urgent behest of the Palestinian Observer, under a barrage of information, misinformation and disinformation. In the interests of truth and objectivity, let us first get the facts straight. I wish to state emphatically and officially that the numbers distributed by the Palestinians about the events in Rafah today are exaggerated and totally false. I can only express my disappointment that some members of the international community — including, sadly, as reflected in the statement attributed to the Secretary-General — have been misled by the Palestinian propaganda machine into making false accusations and drawing conclusions which do not reflect the facts on the ground.

We have not, unfortunately, heard such strong sentiments expressed when innocent Israelis have been slain. So first, here are the facts: during a large procession of several thousand demonstrators, which included many gunmen, seven Palestinians were killed, of whom four or five were armed terrorists. The incident occurred as the crowd left central Rafah along the main road towards the Israel Defence Forces (IDF) in Tel-Sultan. The demonstration was organized by none other than the Palestinian Authority, in violation of the established curfew.

While Israel deeply regrets any loss of civilian life, those numbers put into proportion today's incident, which itself took place under conditions of heavy fighting by Palestinian terrorists. Under the incredibly difficult circumstances in which Israel has taken action against the terrorist infrastructure in the Gaza Strip, terrorists operate among civilians, and tragedy can strike. Israel has done, and will continue to do, everything it can to prevent harm to innocent civilians. Even during times of war the death of innocent civilians is regrettable, but we cannot be deluded by false pretence and any ambiguity between the terrorists and those who fight that deplorable scourge.

The Palestinian Observer has described a litany of Palestinian suffering, without pointing the finger at those responsible for that suffering: his own corrupt and evil leadership, who, while rejecting offers of peace by Israel and the international community, have resorted to terror and violence, dragging Israel, the whole region and the Palestinian people onto a road of horror, bloodshed and destruction. It is this Palestinian leadership that bears the blame.

In choosing the course of terror rather than the road of peace, the Palestinian leaders have brought unto their own the reality described by the Palestinian Observer. This reality, described here today — albeit in a blatant and biased manner — is the result of a corrupt and evil leadership. And it this leadership that is the region's and the Palestinian's real tragedy.

We find it regrettable that certain members of the Council have galvanized to condemn Israel's response to the ongoing Palestinian terrorist campaign, and not those actions that have brought the region to despair and compelled Israel to take defensive measures.

Once again, the members of the Council have been forced to convene to debate a draft text that, for any careful observer, should dispel the illusion that the

intent of its drafters is the improvement of the situation in the region and the encouragement of a fair, lasting and comprehensive peace settlement. The one-sided text before the Council this afternoon rebukes Israel but fails to expressly condemn — by name and not by ambiguous terminology — the Palestinian terrorism that necessitated Israeli action. The Palestinian delegation has once again rejected any language that seeks to recognize any consideration of the legitimate aims of Israel's defensive counter-terrorist operation.

To be frank, this blatant and one-sided posture is more a blemish on the record of those who presented this draft resolution to the Council — and much more a transparent exercise in double standards — than it is an admonition of Israeli conduct.

The Security Council has never dealt with the dangers to peace and security of smuggling arms through the tunnels of Rafah from Egypt. It did not meet to condemn the horrendous desecration of the bodies of Israeli soldiers — young men who were killed during a defensive operation to dismantle those tunnels. It did not come together following the hijacking by armed elements in Gaza last week of an ambulance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. It did not stand up against the murder of a mother and her four daughters in the Gaza Strip or against the continuing cultivation of a culture of hate and destruction by the Palestinian leadership.

The Council will not serve the cause of peace in the Middle East by condemning Israeli actions and ignoring the violence, terrorism and incitement that continue to emanate from the Palestinian leadership. Such repeated rituals embolden terrorism; they do not embolden those who seek to dismantle it.

Today, Israel stands at the gates of Hell in the Gaza Strip. The southern city of Rafah serves as the arms-smuggling gateway of the Palestinian Authority and the main pipeline for transporting weapons and ammunition in Gaza. Since September 2000, subterranean tunnels constructed underneath the "Philadelphi route" have been used by Iran and Hizbullah, as well as by Palestinian terrorist organizations like Hamas and the PFLP, for turning the Gaza Strip into a base for missile and rocket attacks against Israeli targets. These tunnels of terror provide the conduit for the smuggling of large amounts of diverse weapons, including among them hundreds of kilogrammes of explosives; hundreds of rifles, mainly AK-47 Kalashnikovs; tens of thousands of rounds of ammunition; and dozens of rocket-propelled-grenade rockets and launchers, which are entirely incompatible with signed agreements and any plan for a return to non-violent negotiations.

Israel views the illicit trade and trafficking in small arms and light weapons as a humanitarian issue as well as a security one. We cannot forget for a moment that the terrorists seek to harm civilians not only in the locations they target, but also in the locations in which they seek shelter and from where they launch their attack. The Rafah tunnels are typically dug inside residential homes to evade discovery by Israeli security personnel, in blatant disregard for the safety and well-being of Palestinian civilians. They are concealed under bathrooms, living rooms and kitchens. They are intentionally hidden under the beds of children and little babies, concealed by loose planks and rags.

The smuggling of massive arsenals and weapons at epidemic proportions and the cynical use of civilian areas to launch terrorist attacks invariably lead to the loss of innocent life and affect the basic right of people to lead their lives peacefully, without fear of getting killed for simply being in the wrong place at the wrong time. Among local residents terrorized by these concerns, there has been growing opposition to the tunnel-building and weapons-smuggling in Rafah. Last year numerous demonstrations by local residents were staged outside the Palestinian Authority's police and preventive security headquarters and other public buildings to protest the ongoing policy of apathy among the leadership of the Palestinian Authority.

Unfortunately, Israel does not have the luxury of pursuing that policy of apathy and inaction. Faced with the failure of the Palestinian leadership to comply with its obligations to fight terrorism, stop incitement and prevent the smuggling of weapons, Israel remains obligated to act in self-defence against a threat that poses a clear and present danger to innocent lives, while upholding its obligations under international law.

The unhindered effort by terrorist organizations to smuggle high-quality weapons, including rocket-propelled grenades, Katyusha rockets and anti-tank and anti-aircraft missiles, has already led to an escalation in the security situation and can lay a further burden on the population in the Gaza Strip. In recent months,

Palestinian terrorist organizations operating in Gaza have commenced executing a systematic plan to turn Gaza into a platform for launching rockets and missiles capable of reaching the entire aerial territory of Israel. In fact, the whole of Gaza, and Rafah in particular, is on the verge of becoming a missile base aimed at Israel's cities and civilian population. What would the international community have Israel do? Just sit back and wait for this horrific scenario to materialize?

As the Israeli Chief of Staff, General Moshe Ya'alon, said only last week,

> "It appears to us that although we are doing the best we can to prevent the smuggling of weapons to the Gaza Strip, the Palestinians have managed to smuggle RPGs [rocket-propelled grenades], which they are not supposed to have. They have been successful in smuggling RPGs, and quite a few too. We know for a fact that on the Egyptian side of the border, at the top of the Sinai desert, there are weapons that have reached that area. As far as we are concerned, Iran, through Hizbullah, is responsible for the presence of these weapons in that area. They are the ones that promote the smuggling of weapons into Gaza, unfortunately through the Sinai. This has happened because they have found the other borders to be impossible to penetrate, either by land or water. This is what makes this region, at the Egyptian-Israeli border, the weakest link for weapons smuggling".

If Israel does not act today to fight against the weapons smuggled and manufactured in Gaza, next month Katyusha rockets will be aimed at the homes of its citizens. The purpose of the current Israel Defence Force (IDF) action in Gaza is to terminate the transfer of all illegal weapons by underground tunnels to Gaza. One security measure employed in this regard is the demolition of structures that pose an operative security risk to Israeli forces. Recent actions have shown this countermeasure to be an effective and lawful way to minimize the occurrence of such attacks in general, and suicide terrorism in particular. Since April of this year, the Israel Defence Force has exposed eight underground tunnels used for smuggling weapons in the area of Rafah, in addition to 11 underground tunnels since the beginning of this year and 90 underground tunnels since the beginning of the intifada in September 2000. And just this week, the IDF discovered a new tunnel in Rafah already activated for use in smuggling arms into Gaza. The tunnel was 150 metres long and 5 metres deep and had four openings that led directly into Palestinian homes in the area.

IDF actions in Gaza have been criticized as collective punishment. Let me be clear: these tunnels are collective in their harm to all peoples in the area but require a response that is precise and decisive in its effect. While certain security measures taken in self-defence and necessitated by terrorist threats unfortunately cause hardships to sectors of the Palestinian population, this is categorically not their intent.

Both customary law and conventional law make it clear that the use of civilian objects and dwellings to support a military attack constitutes a war crime. The IDF does not demolish structures indiscriminately. Only those involved in terror and violence against Israeli civilians hold no immunity. When terrorists fire from within civilian structures, activate roadside charges from trees and fields or use a structure to conceal a weapons-transfer tunnel, military necessity dictates the demolition of these locations. Under international law, these structures are considered legitimate military targets. Therefore, in the midst of combat, when dictated by operational necessity, Israeli security forces may lawfully destroy structures used by terrorists. This is common knowledge, and yet it is too often that the Security Council is called upon to apply a different standard to Israel.

While operating against the terrorist infrastructure, Israel is doing its utmost to minimize the humanitarian impact on the civilian population. Israel refrains whenever possible from attacking terrorist targets from the air or with artillery, in order to minimize collateral damage. In so doing, Israel risks greater danger to the lives of its soldiers in order to lessen the risk to local residents. The death of 13 soldiers in ground operations in the Gaza Strip earlier this month is an example of the heavy price Israel pays for its commitment to minimize Palestinian civilian casualties. This was not the first time that the strict employment of such standards has resulted in the death of Israelis.

Israel's action in Gaza is all the more critical in the face of the failure of the Palestinian leadership to act determinedly against this threat. Today, weapons smuggling is run and managed by terrorist organizations with the approval and active participation

of the Palestinian Authority. Amazingly enough, the Palestinian Authority has actually encouraged residents to conceal tunnels in their residences, which results in the demolition of their homes. This brings with it an ample windfall: the construction of a new house by the Palestinian Authority.

Despite all this, Israel's Prime Minister remains committed to promoting his plan for disengagement from Gaza. Earlier this month, leaders from the international community met here in New York, in this very building, to discuss ideas for implementing that Israeli initiative. There was general agreement that the plan would improve the situation in Gaza for Palestinians and Israelis alike. However, the Palestinian response has been to increase violence and to renew its commitment to terror as a solution. Just two days ago, Yasser Arafat addressed his people, calling on them to terrorize the enemy. What signal does rejectionist leadership, weapons smuggling, parading with body parts and shooting mothers and daughters send to those who desire peace in our region?

The complete and utter refusal of the Palestinian Authority to prevent those actions violates the most basic norms of human rights, morality, signed agreements and peace plans such as the road map. In the vacuum left by those wilful violations, members of Yasser Arafat's own Fatah Al-Aqsa Martyrs Brigade and the Islamic Jihad were able to proudly and publicly claim responsibility for the heroic attack earlier this month on a pregnant Israeli mother and her four daughters — aged 2 to 11 — gunned down at point-blank range in Gaza.

Those violations cost the lives of the Hatuel family, and they will cost the lives of hundreds more unless the Palestinian leadership finally lives up to its responsibilities or, failing that, Israel undertakes the necessary defensive measures. If the Palestinian Authority had acted to fulfil its responsibilities as stated in the first stage of the implementation of the road map, there would be no need for the current Israel Defence Forces activity.

It should be emphasized: it is the Palestinians, not Israel, that have turned civilian homes into military targets. And it is those in the Palestinian leadership who place a higher price on smuggling weapons than on the welfare of the innocent resident population — those who have abandoned all responsibility and allowed their civilians to be at the mercy of terrorist groups that use their homes and their bodies as shields — who have forced us to take these steps.

The suffering of the Palestinian population is a direct result of Palestinian terrorism aimed at innocent civilians and the need for Israel to protect its citizens from these abhorrent attacks. Rather than criticize Israel for damaging private property, those truly concerned for Palestinian welfare, including humanitarian organizations in the area, should instead demand that the terrorists stop using homes to shield their illegal operations.

Israel has no war with the Palestinian people. We have no war with the Palestinian aspiration for statehood. The Prime Minister of Israel has stated clearly that Israel believes in the vision of two States, side by side, in peace and security. We have a war with terror and with those who are determined not to create the Palestinian State but to destroy the Jewish one. For nearly four years, Israelis have been the victims of a relentless and ongoing campaign by Palestinian terrorists to spread death and destruction, condemning our region to ongoing turmoil, killing 977 Israelis and injuring more than 6,000.

A genuine and responsible Palestinian leadership must be called finally and in clear terms — not in the faltering language of this typically one-sided resolution — to fight a war with terror. It is time that we ask the Palestinian leadership whether inciting terror, smuggling weapons and celebrating by dancing with the limbs of the dead are helping the cause of their people. It is time to make it clear that terrorism, even in the Palestinian cities of Gaza, is always unacceptable.

Achieving peace is simply not possible in an atmosphere of violence and terrorism. Characteristically, the Palestinian leadership has accepted that in principle and then proceeded to undertake every diversionary tactic it could conceive to avoid fulfilling its obligations. What was true in September 2000 remains true today: no progress is possible in the region as long as the Palestinian Authority continues to use its position and its resources to encourage a campaign of violence and terrorism against the citizens of Israel.

This resolution, regrettably, does nothing to further peace in the Middle East. Sadly, until the Palestinian people produce a credible and sane

leadership that truly wants peace and is willing to dismantle the infrastructure of terror and negotiate in good faith, no resolution will.

The President: I thank the representative of Israel for his kind words addressed to me.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.40 p.m.

United Nations S/PV.4973

Security Council

Fifty-ninth year

Provisional

4973rd meeting

Thursday, 20 May 2004, 10 a.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Philippines	Mr. Mercado
	Romania	Mr. Motoc
	Russian Federation	Mr. Karev
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Lake
	United States of America	Mr. Holliday

Agenda

Briefing by the United Nations High Commissioner for Refugees

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-35739 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Briefing by the United Nations High Commissioner for Refugees

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ruud Lubbers, High Commissioner for Refugees.

It is so decided.

I invite Mr. Ruud Lubbers to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Ruud Lubbers, High Commissioner for Refugees.

I now give him the floor.

Mr. Lubbers: Mr. President, let me thank you for this opportunity to brief the Security Council. It has been over two years since I have had the occasion to do so. While taking this opportunity to update the Council on a number of humanitarian crises, I will also address two main themes. First, I will underscore the link between forcible displacement and international peace and security. Secondly, I will address the issue of the sustainable return of displaced populations and its positive impact on the creation of durable peace and stability.

Allow me first to focus on displacement and on the implications for peace and security. Wherever there is displacement, there are movements across borders. Therefore, by definition, conflicts that generate refugee movements necessarily involve neighbouring States and thus have regional security implications. As we have seen most vividly in the Great Lakes region in the 1990s and more recently in West Africa, the lines of conflict frequently run across State boundaries due to the various ethnic and cultural ties among the affected communities.

This also leads to mixed movements of populations, including not only refugees but also armed elements seeking sanctuary in neighbouring countries. The presence of armed elements in refugee camps and settlements has a number of grave consequences for the security and welfare of refugees, including possible military incursions, forced recruitment and sexual abuse. Those factors create an unstable and insecure operating environment for humanitarian workers. In addition, the presence of armed elements gives rise to security concerns for host communities and receiving States and has an impact on regional peace and security.

I remember vividly my first visit to West Africa in February 2001, shortly after being appointed High Commissioner. At the time, there were Revolutionary United Front (RUF) incursions into refugee-populated areas in Guinea from Sierra Leone, and armed rebels from Liberia were also circulating among the refugee camps — some of which we had no access to at the time. During that visit I called on the RUF and on Charles Taylor for access to, and the secure passage of, refugees. Despite the subsequent stabilization efforts in the region, we are still suffering today from cross-border armed movements in West Africa, with its many refugee camps. The Mano River region, with its cross-border movements of armed elements and of arms, has now expanded to include Côte d'Ivoire.

A current example which concerns me greatly involves parts of Sudan and the spillover effect on Chad. In southern Sudan, positive developments in the peace talks have given rise to hopes for the return of 600,000 Sudanese refugees currently in exile in neighbouring countries. Yet those developments are increasingly overshadowed by the situation in Darfur. The Office of the United Nations High Commissioner for Refugees (UNHCR) took part in the high-level United Nations mission to Darfur, which was headed by my colleague Jim Morris from the World Food Programme. As members are aware from his briefing to the Council, it is estimated that at least one million people have been displaced as a direct result of violence and have suffered gross human rights violations.

Currently my Office is working together with partners to assist the affected population in Darfur and to try to create the conditions for eventual return, but we must have access. If the situation does not improve, we will see further refugee flows into Chad. The international aid community may be quickly overwhelmed, and there is the potential for destabilization of the subregion.

The humanitarian situation is appalling on both sides of the border. I visited Chad in March. Since then, I have received more and more news regarding the presence of armed elements near the border areas inside Chad. There are now strong indications that both Janjaweed militias and various groups associated with the Sudanese rebels are operating in those locations. In view of the increasing insecurity in the border areas, where tens of thousands of refugees remain scattered and without effective access to humanitarian assistance, my Office has been working tirelessly to move the population further inside Chad to safer areas. Despite the massive logistical constraints, more than 60,000 refugees have already been relocated. While there is, of course, no absolute guarantee that armed elements will not reach the new campsites, and it is possible that, even at a distance, they may serve as a resting ground for combatants, distance does make the camps less accessible for the staging of active cross-border military operations. Despite the terrible situation in Chad, I am sad to report that, unfortunately, in a way, the safest place for Darfurians today is in Chad.

Returning to the theme of refugee security, although host Governments are primarily responsible for ensuring the safety of refugee-populated areas, the international community has a responsibility to assist States that lack the capacity and resources to do so themselves. The United Nations can help advocate that host countries assume their responsibilities, and I encourage the Security Council do so in the case of Chad.

That brings me to the subject of peacekeeping. In many countries where UNHCR works, the return and sustainability of refugees and of displaced persons is directly dependent upon peacekeeping. This past Monday, the Council held an open debate on United Nations peacekeeping operations. The Secretary-General spoke about the integration of various elements — including the implementation of peace agreements; the management of political transitions; the return of refugees and internally displaced persons; human rights programmes; and disarmament, demobilization and reintegration — into mission mandates. I fully support his statement. The concept of multidimensional peace operations has worked well in Afghanistan and in Sierra Leone, and I am encouraged to see that it is coming together in Liberia, despite the enormous challenges facing the Mission there.

On that point, however, I would like to make the plea that — given the nature of conflicts today — greater attention be devoted to finding a formula for peacekeeping missions to operate in cross-border conflict situations, where appropriate and where endorsed by the affected Governments. All too often, conflicts become regional, but responses continue to be country-based. Chad is a case in point. Perhaps we have had something of a breakthrough on this in West Africa with respect to cooperation between the various United Nations missions in the region on a number of cross-border issues. That can now be developed into a broader strategy for the future.

The report of the Panel on United Nations Peace Operations (S/2000/809), led by Mr. Brahimi, states that peacekeepers and peace-builders are inseparable partners. I very much agree with that statement. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and I myself have been putting in place measures that would allow us to better support one another in the common pursuit of helping countries torn by conflict to create conditions for sustainable peace. I very much support his statement last Monday (see S/PV.4970) that peacekeeping operations must draw on the resources and expertise of the whole United Nations system.

Thanks to the Security Council, important language has been incorporated into a number of recent peacekeeping mission mandates that recognizes the importance of engaging peacekeepers in monitoring the physical safety of displaced populations and of returning refugees. Following the political unrest that has plagued Côte d'Ivoire since September 2002, I have been very concerned about the fate of the Liberian refugees who have been caught up in the conflict there. I was therefore particularly pleased when the Security Council tasked the United Nations Mission in Côte d'Ivoire with monitoring the situation of the Liberian refugees to help ensure their safety. I trust that the Council will consider a similar monitoring role related to returns for the expected

United Nations missions in Burundi, Sudan or elsewhere, as deemed appropriate.

I would also like to inform the Council that my Office has begun to support the various United Nations endeavours on disarmament, demobilization and reintegration (DDR). We recognize that, while no one United Nations body has a specific mandate for combatants, it is in everyone's interest to come together to ensure the success of DDR. In many cases, there is a link between combatants and the family members who are in our refugee camps. Thus, my Office can support DDR efforts by ensuring the protection of the families of combatants, linking up with other actors such as the International Committee of the Red Cross (ICRC) and the United Nations Children's Fund (UNICEF) on family reunification, and including demobilized combatants in community-based reintegration programmes. For example, my Office has been supporting the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) with DDR efforts in the Democratic Republic of the Congo by ensuring the safe repatriation of family members of combatants and monitoring their return and reintegration.

In West Africa, I have been advocating for a regional approach to DDR, in cooperation with the United Nations missions in the region, the Mano River Union countries — plus Côte d'Ivoire these days — and the Economic Community of West African State (ECOWAS). The conference of Mano River heads of State, which should be taking place today, will provide a good opportunity to raise this issue again.

I just returned from a visit to the region and was pleased to see the efforts my Office in Liberia has made to support DDR efforts there. We are working on this issue as part of a coalition of actors, including the United Nations Development Programme (UNDP) and UNICEF, under the umbrella of the United Nations Mission in Liberia (UNMIL). However, I was disturbed to receive reports on Tuesday of riots in Monrovia related to DDR. Last year I called for Charles Taylor to step down and urged that an international peacekeeping force should fill the security vacuum. We have made a lot of progress since then, but disarmament and demobilization are still a challenge and can be successful only if the necessary resources for reintegration are made available from the beginning. It is the only method to ensure prevention of the recurrence of conflict in the region.

By incorporating concepts such as DDR into the work of my Office, as I have explained just now, we can create the conditions necessary for the return of displaced populations, while also making a major contribution to the building of confidence, stabilization and a climate of peace.

One other endeavour in terms of our cooperation with United Nations missions and support for the broader political process, which is worth mentioning here, is that of Western Sahara. As members know, we have put in place a package of confidence-building measures that has helped defuse tensions in the area. A recent breakthrough has been the family exchange visits. More than 400 people have had the opportunity to visit their long-lost relatives, and thousands more are waiting in line to do so. The operation would not be possible without the excellent cooperation of all parties involved and, especially, of the United Nations Mission for the Referendum in Western Sahara (MINURSO). I am hopeful that this may gradually lay the groundwork for political negotiations to finally resolve this long-standing dispute.

Let me now turn to the second theme on which I want to focus: returns and their impact on peace and security. We have already established that population movements across borders have clear peace and security implications. But what are the peace and security implications if populations cannot return to their homes or if they do so without the capacity of the collapsed State to absorb them? In fact, the popular notion of a post-conflict situation is in many senses somewhat misleading. Countries where internal armed conflicts have come to an end are frequently characterized by deep social division, chronic political instability, damaged infrastructure, high unemployment and trauma. As a result, they remain dangerously perched between the prospect for continued peace and the danger of a return to war.

UNHCR's experience is that the longer refugees and internally displaced persons are forced to stay away from their homes, the more embittered they become. In most cases where there are refugee movements, displacement is either forced or coerced in some manner. And even if displacement was not the original intention of the conflict, it sometimes becomes an overriding factor and, indeed, further exacerbates the conflict. As time goes on, the camps and the settlements where refugees find temporary shelter may become breeding grounds for despair, and the refugees

themselves may become more vulnerable to political and military manipulation. In such cases, the prolongation of displacement can itself become an obstacle to peace and to the achievement of lasting solutions to conflict. Yet, despite that, political negotiations often fail to address the grievances of populations that have been forced from their homes, which can in turn hinder the success of the peace process.

The critical factor is to determine the conditions for the safe and the sustainable return of refugees to their homes. Peacekeeping alone cannot sustain peace; it can only create the space in which peace may be built. There is the transition from war to peace, but also the transition from a breakdown in State institutions to the rule of law. We often talk about the differences between internally displaced persons and refugees who have crossed an international border, but the border itself is not the issue. In fact, the defining characteristic of both is the lack of State protection, because the State is either unable or unwilling to provide it. Therefore, in the transition from war to peace, it is critical that the protection and the rights of all groups within the State, including those who fled during the violence, are guaranteed in the peace agreement. That is also essential for reconciliation.

Although my mandate is refugees, I have also come to be known as the "High Commissioner for Returnees". Since I was appointed High Commissioner in January 2001, I have been focused on finding durable solutions for refugees. The problem is that, in post-conflict situations, the return of large numbers of refugees and internally displaced persons needs a balanced and integrated approach to make returns durable and part of sustainable peace-building. War-torn communities, which often suffer just as much as, or more than, refugees, cannot be expected to absorb large numbers of returnees without an immediate improvement in their capacity to meet basic needs. This is the critical period when international development agencies need to make the investment in reconstruction and reintegration programmes. It is not only about repatriation. In areas of return, local communities as well as returning refugees and internally displaced persons deserve integration and rehabilitation projects.

These programmes need to be incorporated systematically into post-conflict relief efforts; planning should in fact begin at the outset of any emergency. With this in mind, UNHCR became a member of the United Nations Development Group (UNDG) with the aim of ensuring that refugees and returnees are included in the formulation of post-conflict policies as well as longer-term development programmes. I have also personally launched a number of initiatives to try to address this issue, working in partnership with the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), other United Nations agencies, the World Bank and bilateral development partners. One such initiative, called the "four Rs", helps to connect the transitions between repatriation, reintegration, rehabilitation and reconstruction. In doing so, we also practice reconciliation: it is about return and reconciliation. We are now building on the success of pilot projects in Afghanistan, Sierra Leone and Sri Lanka, and we hope to implement similar initiatives in Liberia, Burundi and, eventually, in the Sudan. I mentioned disarmament earlier. However, it is worth noting here the importance of also incorporating ex-combatants who have been demobilized into reintegration programmes.

Under the theme of returns, I would now like to provide some encouraging news regarding Africa. I am pleased to report that never before have there been so many opportunities for durable solutions in so many parts of Africa. There is enormous potential for resolving long-standing conflicts, consolidating peace and putting an end to long-standing refugee and internally displaced persons situations. In Eritrea, Angola and Rwanda, hundreds of thousands of refugees have gone home over the past few years. In Sierra Leone alone, more than 240,000 refugees have been able to return home thanks to the presence of the United Nations Mission in Sierra Leone (UNAMSIL) and the broader stabilization efforts of the international community. We hope to complete the Sierra Leone repatriation during the course of this year. In Liberia, we have a long way to go, but we hope to begin repatriation for the more than 320,000 refugees who fled the country, as well as for hundreds of thousands of internally displaced persons — we are now involved in 20 camps for internally displaced persons — once the situation further stabilizes. I think this will be possible as from October. In Burundi, progress on the political front has enabled UNHCR to facilitate the repatriation of 35,000 refugees since the beginning of this year, and many more will follow.

We have a common responsibility to reduce the risk of conflicts recurring and to ensure that this progress continues. The opportunities are there, but the question is, will we seize them? Many challenges lie ahead: peace processes must be strongly supported at all levels; efforts must be made to ensure the effectiveness of programmes aimed at the disarmament, demobilization and reintegration of former combatants, including youths; comprehensive strategies should be developed to support peace-building and reconciliation efforts; humanitarian agencies must be given adequate resources to help refugees and internally displaced persons return home in safety and dignity; and the social and economic aspects of post-conflict reconstruction must be addressed in a timely and coordinated way. There will be no peace and development in Africa without reintegrating uprooted people and making them productive once again.

Here I would like to raise concerns about inequity in the resources that are committed to Africa. While our emergency teams struggle to move tens of thousands of refugees from the border areas in Chad, this life-saving operation and the operation to prepare the ground for eventual repatriation to the Sudan remain seriously under-funded. Our operations in Liberia also face severe shortages. I realize that the Council is not seized of funding issues. However, this is also a political point, and one that needs to be addressed if we are to end the hostilities in the Sudan and sustain the peace process in Liberia. Surely the pledges for Liberia at the donors conference here in New York earlier this year were generous. But pledges have to be translated into effective funding and into concrete action.

I would like to turn now to another part of the world. In Afghanistan, the situation has begun to improve since the end of 2001, and more than 3 million refugees and internally displaced Afghans have returned to their homes. My Office is actively working with the Governments of Iran and Pakistan to facilitate the return of 1 million more this year. I would like to add here that Iran and Pakistan have shouldered a great burden in hosting Afghan refugees for more than 25 years. Their generosity and their observance of international protection and asylum principles must be recognized as an example for other nations. It is a special pleasure for me to make that observation at the very time that Pakistan is presiding over the Council. Thank you so much, Mr. President.

Despite the progress that has been made on returns so far, it is estimated that there are still around 3 million Afghans remaining in both Iran and Pakistan. In the tribal areas of Pakistan neighbouring Afghanistan, there are about 200,000 refugees. I recently had the opportunity to return to the region, during the month of April. During that time, I ensured that my Office was focused more than ever on the repatriation effort. In particular, we will aim to accelerate the closure of the refugee camps in the border areas in order to help alleviate the security liability for Pakistan and for the international community at large.

That being said, the lack of security inside Afghanistan is clearly one of the key factors preventing or discouraging the return of Afghans. This is particularly evident in areas where factional fighting continues to create a negative climate for resolving displacement. Disregard for the rule of law and other factors such as forced recruitment, illegal taxation and house and land occupation also prevent returns from taking place. These problems must be addressed with high priority. When I visited the region in April, I met with refugees and internally displaced persons to discuss their prospects for return. When asked what would enable them to go home, the overriding response was the deployment of international troops to their areas of origin.

I am aware of the plans of the North Atlantic Treaty Organization (NATO) to expand the International Security Assistance Force (ISAF) to a number of locations, including through the establishment of more Provincial Reconstruction Teams — which actually should be provincial stabilization teams. I welcome those plans. However, I recently wrote to the Secretary General of NATO to express concern about the modest troop pledges made at the Berlin Conference and about the slow pace of the expansion. ISAF expansion is of crucial importance to the successful completion of the Bonn process. It is also a key issue for the return of refugees and displaced persons — particularly leading up to elections.

For our part, my Office supported the Government in the establishment of a Return Commission — including the participation of both the United Nations Assistance Mission in Afghanistan

(UNAMA) and UNHCR — to address the issue of returns of internally displaced persons, specifically Pashtuns to the north. The Commission is working actively with the local leaders in the north in order to try to prevent any further displacement and to create conditions for sustainable returns to take place. But again, we need the Council's support on the security issue and the expansion of ISAF, along with the Provincial Teams, in order to succeed.

I cannot conclude without mentioning my concern about the situation in Iraq, an issue that also continues to preoccupy the Security Council. As members are aware, the war in Iraq caused no massive refugee movements. But the power vacuum and the unremitting turmoil have led to the collapse of public services and to insecurity for the majority of Iraqis. Although opportunities remain bleak for refugees to return home to a situation of instability, my Office is working to help those Iraqi refugees in Iran who are interested in repatriation to return home. Repatriation convoys, many of them to Basra, started last November. Although operations were halted in April owing to fighting and to security concerns, they were able to resume two weeks ago. Those are cautious, small steps, but I hope that they will contribute in some measure to the future stability of Iraq.

Issues of internal displacement — including in the north, where UNHCR will assist with the return and reintegration of displaced Kurds — are now being addressed through what I call "plan B". Plan B is being carried out only through national staff and non-governmental organizations. I hope to go back, as soon as security permits, to "plan A". Plan A means international staff working in Iraq in order to carry out further humanitarian assistance and reconstruction, to undo the terrible wrongdoings of Saddam Hussein, to assist the victims of the Arabization campaign, to assist the Marsh Arabs and to ensure the rights of the Faili Kurds. We will work with the Iraqi minister for uprooted people — with Iraqis and for Iraqis.

I also praise the efforts of United Nations national staff members for their courage and dedication. Through them, and in cooperation with international and national non-governmental organizations such as Première Urgence, the International Islamic Relief Organization and the Intersos Humanitarian Aid Organization, we have been able to continue lifesaving activities. For example, together we distributed emergency supplies to more than 50,000 people caught in the recent upsurge of violence in central and southern Iraq. But I would like to repeat that they also eagerly look forward to the day when international staff will be able to return to Iraq to complete their mission.

That brings me to a final point, on the security of United Nations staff members. With more than 4,000 UNHCR staff members currently working in the field, often in very remote and dangerous locations, this issue is of particular concern to me and to my Office. The bombing of the United Nations office in Baghdad last August was a tragic reminder of the risks that staff members take in the name of peace and justice. What lessons shall we draw from that? The answer is certainly not what I call Iraqization — by that, I mean the tendency to believe that the whole world is like Iraq. I disagree with the notion that the United Nations should start operating in a radically different way in every country in which it operates, on the basis that it is now a terrorist target everywhere. My Office cannot operate from a fortress: we cannot, and we should not. If it comes to that, we might as well pack up and go home.

As the Council is aware, the Secretary-General has set up a team to look into the issue of staff safety, and efforts are currently under way to improve the security of United Nations personnel around the world. For my part, I am determined to ensure that, whatever changes are made, the system allows for — and indeed encourages — a differentiated country-by-country approach. Security Management Teams established in the field must be empowered to take decisions on the ground that are relevant to the local circumstances. That should not be eroded by the bureaucratization and centralization of our security management system. I support the idea that the highest United Nations official in the country should have the ultimate responsibility for the security of all United Nations staff in that country. In short, "Operate in a secure way" must be our leitmotif. I will stop here, but I ask the Council for its continued support in helping us to ensure the safety of United Nations staff members.

UNHCR's ability to protect refugees and to find durable solutions depends largely on the effectiveness of its partnerships. That includes partnerships with other entities of the United Nations system, international organizations outside the United Nations system such as the International Committee of the Red Cross, regional organizations and initiatives such as the

Organization for Security and Cooperation in Europe and the New Partnership for Africa's Development and, of course, non-governmental organizations. Because of the link between refugees and international peace and security, a strong relationship must exist also between UNHCR and the Security Council.

Today, I outlined a number of initiatives that my Office is taking to work in support of current peacekeeping endeavours. Likewise, the Security Council's influence and its ability to take decisive political action are critical in helping to avert humanitarian catastrophes. It is important that the Security Council continue to provide leadership and direction in bringing together the various domains of the United Nations system, including peacekeeping, peace-building, humanitarian action and even development.

The President: I thank Mr. Lubbers for his comprehensive briefing and for the kind words he addressed to my delegation.

As there is no list of speakers, I invite Council members who wish to address questions to the High Commissioner to so indicate to the Secretariat as from now.

Mr. Sardenberg (Brazil): I would like to anticipate other colleagues in thanking High Commissioner Ruud Lubbers for his informative briefing on a most important issue. I also wish to offer a few comments and to ask a question.

We are most appreciative of the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) in its dedicated humanitarian work to protect refugees and to find durable solutions for them: repatriation, local reintegration or resettlement. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol constitute the bedrock of refugee protection. We strongly support the strict observance by all countries of the principles contained therein.

In this respect, it is to be noted with grave concern that the fundamental provision — the so-called principle of non-refoulement — is not always respected. Voluntary repatriation and reintegration are sometimes not feasible. To make matters more complicated, public perception of refugee problems has been affected worldwide by incidents of trafficking and smuggling of people, as well as by the recurring waves of economic migrants.

It is important that countries adopting more restrictive immigration and anti-terrorist measures continue to keep their borders open to refugees. On the one hand, terrorists must be prevented from gaining admission to countries by illegally abusing their asylum status. Provisions of the Convention shall not apply to people who have committed serious crimes. On the other hand, we fully concur with Mr. Lubbers statement, made the last time he briefed the Council in February 2002, that we cannot allow the global efforts to combat terrorism to weaken the international refugee regime. In other words, counter-terrorism measures cannot hinder the right to seek refuge. Of course, refugees and internally displaced persons are victims of human rights violations and the international community must help them to resume their lives in an environment where their security and dignity are guaranteed.

I would like to invite Mr. Lubbers to expand his comments on the question of the resettlement of refugees at this particular point in time.

Mr. Muñoz (Chile) (*spoke in Spanish*): I, too, should like to thank Mr. Lubbers for his briefing on the serious humanitarian situation of refugees confronting the international community. The briefing was an important one.

As questions are to be asked at this time, I should like to plunge into the heart of the matter and ask about a refugee crisis that is currently under way. Mr. Lubbers mentioned a number of such crises in his briefing, but I wish to refer to that now unfolding in the Sudan as a result of the conflict in Darfur. I should like to ask several questions in this regard.

We know that there are thousands of refugees moving from Darfur into Chad, as Mr. Lubbers described in detail today. First, is there any information on refugees potentially moving from Darfur into the territory of the Central African Republic?

Secondly, what kind of security is being provided by the Government of the Sudan for the Darfur camps? What degree of control does the Government in Khartoum have over the Janjaweed militia?

Thirdly, since the humanitarian ceasefire was signed on 8 April, to what degree has the access of humanitarian agencies to the most severely affected zones improved? In this respect, how are visas and

travel permits being issued by the Government of the Sudan to the various humanitarian agencies?

Fourthly, in the light of the information provided by the press that the Janjaweed militias are assaulting the camps in Chad, what security measures are being provided by the Government of that country to those camps? In this regard, has the United Nations provided those camps with sufficient food? I have read criticism in major newspapers to the effect that, when refugees arrive in these camps, the United Nations has not planned for enough food for the newcomers.

Fifthly, in view of the fact that the rainy season will begin in just a few weeks, does Mr. Lubbers believe that there is sufficient time to address an even larger humanitarian crisis?

Mr. Gaspar Martins (Angola): I should like to say that we are very pleased, Sir, that you have included this important topic in your programme, since it is our belief that a briefing by the High Commissioner for Refugees is not only timely, but also necessary if the Security Council is to have a real measure of the importance of the problem of refugees, internally displaced persons and security. This is no longer a simple humanitarian problem; it is a real security problem. I can attest to that, coming from a country which has been affected and where the Office of the United Nations High Commissioner for Refugees has been playing a very important positive role in assisting my Government in the post-conflict area.

On the other hand, Africa as a whole — as has been reported by the High Commissioner — is a continent where this problem is real. It is a problem that we live with every day in every single region of the continent, be it North Africa, West Africa or southern Africa. This is a problem that needs to be tackled and has to be considered also in conjunction with the security analyses that we make, particularly here in this Chamber.

I would therefore like to thank High Commissioner Lubbers for the very interesting and comprehensive briefing he has presented and for raising some of the main issues that are still confronting the Organization.

I would also like just to raise a couple of questions, since this is the format we have agreed on. First, I should like to hear a further elaboration on the problem of interconnections in the work of coordination with other agencies within and outside the United Nations system. We have the Department of Peacekeeping Operations, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Joint United Nations Programme on HIV/AIDS and the United Nations Children's Fund. How can we have a real coordination of these various agencies so that we can deal effectively with the problem? Again, we come back to the fact that this is not just a simple humanitarian question — it is a security problem.

Secondly, I would appreciate some further comments on financial support. I know that this is one of the main bottlenecks in the programmes. I would like to hear from the High Commissioner how his Office intends to tackle some of the challenges that the financial bottlenecks are raising.

Mrs. D'Achon (France) (*spoke in French*): I, too, would like to thank Mr. Lubbers for his very comprehensive briefing on the situation of refugees in conflict situations. This is an issue that members of the Council follow very carefully.

In the light of the recent displacements of which Mr. Lubbers spoke, I would like to ask him two sets of questions. The first concerns West Africa. Given that the United Nations now has three peacekeeping operations with robust mandates in the region, can Mr. Lubbers explain how the Office of the United Nations High Commissioner for Refugees (UNHCR) envisions the possible synergy among those three operations, in particular with respect to refugees? Secondly, in the light of the upcoming elections in Côte d'Ivoire and Liberia, could he tell the Council whether the repatriation of refugees and the return of displaced persons are being organized in such a way that those individuals too can participate in the upcoming elections? Specifically, do the UNHCR programmes address the issue of registering those refugees and displaced persons on the voter rolls?

My other two questions concern the situation in Darfur, the Sudan, in particular the problem of the refugees in Chad. France is particularly concerned at the situation in that region. As is known, at the start of this year, France disbursed €200,000 to UNHCR for its action in Chad, in addition to the €150,000 disbursed to the French non-governmental organization cited by Mr. Lubbers, Première Urgence, which also works in Chad.

Because it is difficult to get exact figures on the number of refugees crossing the border right now and because we are dealing with nomadic peoples, I wish to ask Mr. Lubbers whether he has an estimate of the current figures and, in particular, whether he foresees a substantial increase in the flow of refugees into Chad. If such an increase is foreseen, is it sustainable, given the security situation as described by preceding speakers?

Mr. Motoc (Romania): I associate myself with many of the general remarks that were made by previous speakers, in particular those by Ambassador Gaspar Martins. I express the great appreciation and gratitude of my delegation to High Commissioner Ruud Lubbers for the very timely and insightful briefing he just gave the Council. I take this opportunity to commend Mr. Lubbers and his team for their overall performance in the discharge of the crucial responsibilities entrusted to the Office of the United Nations High Commissioner for Refugees (UNHCR).

I would like to direct two questions to the kind attention of Mr. Lubbers. The first is actually a point of clarification with respect to the refugee situation in Darfur, the Sudan. According to our information, the figures that have been presented by the Office for the Coordination of Humanitarian Affairs (OCHA), there were recently reported to be 2 million refugees in connection with that situation. That should be compared to the reported 1 million in April. If those figures are accurate, I would really appreciate a comment on the reasons for the dramatic increase in the number of refugees in that troubled area.

Secondly, I would like to direct attention to an area that was not touched on in the otherwise very comprehensive briefing to the Council — and it might have been, given the worldwide scope of the UNHCR's activities. I would like to ask a question with regard to Kosovo. According to the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (UNMIK) of 30 April (S/2004/348), UNMIK is working with the Provisional Institutions of Self-Government in supporting the reconstruction effort after the violent events of last March. To that end, UNMIK is reported to have formed a reconstruction support team that includes the UNHCR, the United Nations Development Programme and the European Agency for Reconstruction. We would be very appreciative if the High Commissioner could kindly give the Council an update on the efforts of UNHCR as part of that collective effort, in particular with respect to progress made in the return process for newly displaced persons.

Mr. Pleuger (Germany): I too join other delegations in thanking the High Commissioner for his very comprehensive report.

I have one short remark and three short questions. My remark pertains to the relationship between peacekeeping and the return of refugees. The High Commissioner rightly said that the sustainable return of refugees and displaced persons is directly dependent upon peacekeeping. The inverse is also true, too. Peacekeeping and, in particular, peace-building are not possible without the return of refugees and displaced persons. The problem of refugees, of course, is always a cross-border problem, and I agree with the High Commissioner that we have to find a formula for peacekeeping missions to operate in cross-border conflict situations.

Therefore, Germany very much supports the Office of the United Nations High Commissioner for Refugees (UNHCR) programme for the voluntary return of refugees in Africa, and we will continue to support all of its initiatives in that respect. The sustainable reintegration of refugees in Africa is a major concern for my Government. In 2003, Germany's support for UNHCR for projects in Ethiopia, Kenya, Tanzania and Chad was approximately €7.6 million. This year, we have allocated €4.8 million so far for UNHCR projects in Africa, with a focus on Angola, Somalia and Sierra Leone. I can assure the High Commissioner that we will continue to further support his Office's achievements.

My questions pertain to Darfur and go in the same direction as what my French and Romanian colleagues have already said. The Office for the Coordination of Humanitarian Affairs (OCHA) has given us a number of more than 2 million people that have been affected by the conflict. My question is, how does Mr. Lubbers see the further development in the near future? Are there large numbers of additional refugees crossing the border? And how will UNHCR be able to deal with that situation? Can UNHCR cope with it?

My second question pertains to what the High Commissioner said about the security of United

Nations staff members. I agree that a country-by-country approach should by chosen when assessing the security of staff members and that not everything is like Iraq or any other place of crisis. But the High Commissioner said that Security Management Teams established in the field must be empowered to take decisions on the ground relevant to the local circumstances. That is all right. Then he said that this should not be eroded by the bureaucratization and centralization of our security management system. Perhaps he could elaborate a little bit on what that means, in detail.

My third and last question pertains to integrated missions and the relationship between UNHCR and the military. We share the High Commissioner's view that, in principle, integrated United Nations missions constitute a good approach. The advantage of integration lies in a more efficient allocation of both financial and human resources, and also allows for easier coordination. United Nations peacekeeping missions are increasingly of an integrated nature, with military and aid personnel working hand in hand. In some of those missions, humanitarian assistance is already part of the mandate. In that regard, we would like to draw attention to the 2003 Guidelines on the use of military and civil defence assets (MCDA) to support United Nations humanitarian activities in complex emergencies. Those so-called MCDA Guidelines complement the 1994 Oslo Guidelines for situations in which State control over a country in crisis has collapsed. My Government participated in the drafting of those Guidelines, and, in our view, the following principles contained therein are of particular importance: first, respect for the sovereignty of the State in crisis; secondly, impartiality, meaning that only troops not involved in a conflict can assist humanitarian actions; thirdly, subsidiarity, meaning that humanitarian assistance is, above all, the task of relief organizations and that MCDA should be only a support of last resort; and fourthly, that military assistance for humanitarian relief should be given only on the request, or with the consent, of the target country.

I would like to ask Mr. Lubbers what his assessment is as to the state of implementation of those Guidelines.

Mr. Mercado (Philippines): I wish to join other delegations in thanking High Commissioner Lubbers for his comprehensive briefing to the Council on the challenges facing refugees and internally displaced persons, especially as they relate to the peace and security of camps and settlements and internal and cross-border peace and security situations.

I should like to touch on the issue of refugee security. More often than not, refugees live in a constant state of insecurity, with respect to both their personal safety and socio-economic conditions. Refugees and internally displaced persons constitute one of the most vulnerable groups in the world today, because, although they have been resettled to places that offer immediate safe haven, they are nonetheless exposed to many threats to their lives. Moreover, exploitation of the vulnerabilities of refugees can give rise to serious security-related concerns for host States and their immediate neighbours.

The safety of refugees within their camps, for instance, is increasingly becoming a matter of concern. Because of their vulnerability, refugee camps can easily be infiltrated by insurgents and criminal elements that use such camps to harbour them. Since the safety of the refugees is the primary goal, the civilian character of refugee camps should be maintained as much as possible.

However, while it is desirable to separate armed elements from civilian refugee populations, the task of maintaining the civilian character of refugee camps may not be that easy. In some cases, a number of refugees could secretly arm themselves to provide added security for the camp. In other instances, armed groups may be refugee-friendly and act as the protectors of a certain refugee area against other armed aggressors.

The blurred lines between the civilian and military character of camps may expose their population to an increased likelihood of attack by opposing forces. Thus, maintaining the civilian character of refugee camps has become a priority security issue. The Office of the United Nations High Commissioner for Refugees (UNHCR) has emphasized the need to separate civilians from armed individuals in refugee camps. This, however, may not be easy to accomplish, due to the complex situations I mentioned earlier.

Would UNHCR therefore have recommendations on how to address the different security situations in refugee camps?

Mr. Rostov (United States of America): I want to thank High Commissioner Lubbers for his briefing, and I would like to say a few words prior to asking a few questions.

Members may have seen Secretary of State Powell announce, on Tuesday of this week, that the United States was going to contribute an additional $88.3 million, to bring our total contribution to $247 million for refugee support — $44 million of which is targeted for Africa.

I also would like to make the point that I think that we are all not only grateful for the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), but also cognizant that it probably has a larger and more important impact on more people than almost any other Office of the United Nations.

The second point I want to make is that we are all, I think, very concerned about the humanitarian situation in and around Darfur and Chad. We are very conscious, as the Government of the Sudan itself is, that there is a very dire situation there. My questions therefore build on the questions colleagues have put forward and are directed to that situation.

We would be interested in obtaining some insight into UNHCR's planned protection role for Darfur. We would be interested in any information about any contingency planning being done by the Office in the event of additional refugee flows into Chad. Finally, following up on a number of questions, we would be interested in what Mr. Lubbers' Office would recommend that the international community provide by way of security to enable refugees to live in a measure of security and for his Office and other humanitarian workers to do that work in a secure fashion.

Mr. Benmehidi (Algeria) (*spoke in French*): I would like to join previous speakers in thanking Mr. Lubbers for his comprehensive and exhaustive briefing on the situation of refugee populations throughout the world. I would like to say a few words about the difficulties encountered by the High Commissioner and the humanitarian community in dealing with such populations flows.

Could Mr. Lubbers give us some information on the financial problems caused by these emergency situations? In that connection, I would like to say a few words about the specific situation of refugee-receiving States, which, as is well known, are mostly developing countries. They usually spare no effort in providing hospitality, yet, in most cases, their national development efforts are hampered and their resources absorbed by their duty of hospitality vis-à-vis the refugee populations. In that respect, I am thinking of the problem of cost-sharing. I would like to ask Mr. Lubbers to say a few words about what should probably be done to alleviate the burden on receiving States.

A second point that Mr. Lubbers' briefing prompts me to make relates to the considerable contribution that the Office of the High Commissioner has made towards improving the political climate of those conflicts in which he is involved, with a view to promoting the return of refugees.

I would like to point out that we are dealing with two distinct types of refugees situations: situations that are heavily covered in the media or emergency situations that require the mobilization of resources; and those that we call the forgotten conflicts, which can persist for reasons that, in my view, are worth identifying in a debate such as this — political reasons that can prolong the dependency of populations for decades. My delegation would highly appreciate hearing Mr. Lubbers's comments on forgotten conflicts.

The President: I shall now offer some comments and questions in my capacity as the representative of Pakistan.

First of all, I would like to thank High Commissioner Lubbers for having come here to brief us in such a comprehensive way. He has left a lot of food for thought for members of the Council. It is very timely, I think, that his briefing comes after the Council's discussion on the question of peacekeeping on 17 May and before the discussion that we intend to have on 28 May on the issue of complex crises and the United Nations response.

I think what is important to note, perhaps, is that in any crisis, there are two aspects that immediately arise. The first is security and the second is the humanitarian requirements of people. We have a slight dichotomy in the international response. For peacekeeping, once the Council is able to take a decision, we are then able to mobilize the resources required for the deployment of the agreed peacekeeping operations. On the contrary, with regard to humanitarian response, we are dependent, first of all, on voluntary contributions from Governments and

also on the response of the host Governments on the ground with regard to access and cooperation. Would Mr. Lubbers have any thoughts about how one could synchronize the international security and financial responses to calm crisis situations as they arise?

I have two specific questions with regard to Afghanistan. I was very grateful to note Mr. Lubbers's mention of Pakistan as an example of hosting 4 million Afghan refugees over some 25 years. Many of them are still there. In April 2001, Pakistan, Afghanistan and the Office of the United Nations High Commissioner for Refugees (UNHCR) signed a tripartite agreement for the voluntary repatriation of Afghan refugees. I would like to ask whether there is any road map or plan drawn up for the implementation of that agreement and, if so, what progress has been achieved in that context.

My last point is that, as the High Commissioner is aware, the Afghan Cabinet of President Karzai is finalizing the electoral law, and it has been agreed in principle that the Afghan refugees in Pakistan and Iran will also participate in the elections. While the United Nations Assistance Mission in Afghanistan would be mainly responsible for coordination in that regard, it is our expectation and hope that the High Commissioner's staff, with its experience and its data, will be able to lend its assistance in that process, including by facilitating the registration of Afghan refugees prior to the elections. I would be very grateful to know if the High Commissioner has any information or comments that he would wish to make on this aspect.

I now resume my functions as President of the Security Council.

Mr. Lubbers has a lot of questions to address, and I give him the floor.

Mr. Lubbers: Indeed, I apologize at the outset that I shall have to answer a bit in shorthand — very short — when I see how many very relevant questions were put forward. Maybe I will answer in the order of the interventions. I will thus start with the questions and remarks made on behalf of the Government of Brazil.

When one looks at the world at large, the climate — the political situation, if you like — in relation to refugees has become more difficult. As was rightly said, this is also because many countries have to deal with the phenomenon of human traffickers bringing to their borders mixed flows of people: partly refugees, indeed, but partly also migrants for other reasons, who are advised that they might be able to enter countries if they portray themselves as refugees. That has given flows of refugees a bad name, and it is a very serious problem.

That means that, as High Commissioner, I have to invest time and initiatives to reduce what we call irregular flows of people. Now this falls only partly within UNHCR's capacity to improve it. It relates in part to a lack of managed migration. If there were ways to report immigration legally, maybe we would have fewer mixed flows. That is one of the problems.

What we do from our side is take away or at least reduce the need for people to turn to human traffickers by trying from the outset to find better permanent solutions for refugees. There would be much less need for people who must flee to another country to turn to human traffickers if they knew that when they reported to a refugee camp there would be a solution for them, either because, within a reasonable time frame, peace would come to their country so they could return, or because they would be allowed to gradually integrate into the country to which they had fled or would be welcome in country resettlement programmes further abroad. By the way, Brazil is now participating in such a programme.

So, in addition to the point, which was rightly made, that we have to keep intact the obligation not to refoule people and to accept people when they are real refugees, the role of UNHCR here has to broaden to include a new concept to reduce irregular, secondary flows of people by putting in place joint mechanisms for countries to provide solutions: sustainable repatriation, local integration and resettlement. That is possible only if we learn to practice burden-sharing among countries. It simply is not fair to think that the obligations vis-à-vis refugees can be fully fulfilled country by country. I gave the remarkable positive example of Pakistan, and there are certainly others. However, we also know from this experience that, at some point, it simply breaks down: one says, "This is no longer fair, we have to share the burden, we have to do something together".

I turn to the questions posed on behalf of the Government of Chile, about Darfur. These questions were very clear, and I will try to be as specific as Ambassador Muñoz was in asking the questions.

First, do we see outflow from Darfur into the Central African Republic? We still do not, and that is

for geographical reasons. The conflict in Darfur started in the north of Darfur, let us say in the Bahai region. It then spread downwards. We are somewhat concerned that it might spread further, all the way to the area of Darfur bordering the Central African Republic, and then we would certainly see people going there. This is still not the case.

I turn to the question of the relationship of the Government of Sudan to the Darfur crisis. I have learned in my mission as High Commissioner to be a bit more blunt than I would be in normal diplomatic language. I think it is obvious that the effective ceasefire in Sudan provided the potential for the army of Sudan to utilize its spare capacity to start an action in Darfur. This might have been promoted, of course, by rebel movements in Darfur, by movements of people who want autonomy. That is, of course, a broader phenomenon. However, this specific type of action became possible because of the effective ceasefire and the spare capacity. We then saw there what we have seen elsewhere in the world: a joint action of the army working together with the militia. It is the Janjaweed, that are, as it were, a factor in this; one from the air, the others on the ground. The process of cleansing then starts. I say "cleansing" not because it is motivated by ethnic motivations; I think it is motivated more by an effort to break the rebellion and to motivate people to join the Government forces, using the prospect of getting the acreage, the land and the villages. So you move people out with all possible awful systems, which are also practised elsewhere in the world. The Janjaweed does indeed effect incursions into Chad, chasing the same people for their cattle and trying to intimidate them. As members may know, there is an agreement between the two armies — and this is, in a way, remarkable — on the Chadian army's right to go, I believe, 100 kilometres into the territory of the Sudan in Darfur. The army there acknowledges that it does not have the capacity to control this. Now, after what I have said, members may have other thoughts on the subject, but that is happening. You see, therefore, a certain militarization of the situation on both sides of the border.

The third question was about access to Darfur. A multitude of initiatives have been taken by the international community to get access there; it is still very difficult. There have been missions; we know that the Red Cross movement and Doctors without Borders are working there. We have seen missions going there; we have seen Mr. James Morris go there. Then we get assurances that people are allowed to go in, that they have access. They then try to get visas, and, when they arrive, they see that their visa is no longer valid and they need a new visa. It is not very nice. In terms of access, it does not really work, at this moment. That is one of the reasons that UNHCR, although we are very burdened — overburdened, if you like — with the situation in Chad for Darfurians, has nevertheless now offered to go there ourselves, with a few teams, in addition to others who are there in the Darfur area. We will make a plea to the Government to afford us that possibility. In this regard, I am optimistic, because I have also to testify that, in general, we have a very good working relationship with the Government of the Sudan. So we will say that there is a need for us to be in the Darfur area. We will go there with three officers, in addition to the officers of others. I spoke with Mr. Kellenberger of the ICRC to see if we could coordinate a little bit, so that our work is really complementary and effective. We will do that to improve the situation in Darfur.

I now return to the issue of Chad, which was the next question. We have been informed that the Janjaweed militia sometimes crosses the border. I have no information as to their having gone far enough to reach our refugee camps. It is exactly for that reason that we chose to have the camps 60 kilometres from the border; we have to work hard with non-governmental organizations to find water. It is very difficult, and these are small camps. We can accommodate perhaps 6,000 or 7,000 people, and then we have to move to the next place and expand the number of camps. That is what we are doing. Is there a food problem? Yes, but I would say it is not dramatic. The World Food Programme is doing its utmost to provide food. I would not qualify this as the key problem.

As to the question of the rainy season, we are working very hard. Our ambition was to have accommodated 60,000 or 65,000 people before the rainy season. I think we will have achieved that. There were more questions, but at this stage I leave the issue of Darfur in Sudan here.

I turn, now, to the others who had questions. I turn to the remarks and questions on behalf of Angola on the concern about security, with which I very much agree, since those were my two main themes in my briefing. I will say a few words on UNHCR's cooperation within the United Nations system. It is going well, I would s[illegible]

I gave examples here today of very close cooperation, in particular with the Department of Peacekeeping Operations. It is the same with the Department of Political Affairs. I also said that we are part of the United Nations Development Group, as we work with Jan Egeland in the humanitarian group. By and large, this coordination is going well.

Of course, we have specific challenges. Regarding refugees, I described these problems; there are the others regarding internally displaced persons (IDPs). In short, we, as UNHCR, only work with IDPs selectively and when we are requested to do so by the system. Of course, we also need to have capacity. In this respect, the example of Darfur is an interesting one: we started with refugees only, and now we are asked whether we can do something in Darfur as well, because the United Nations system cannot deliver sufficiently without us. So I stretch my capacity and try to do something.

A more systematic problem regarding IDPs is in the area of returns. Our experience is that, when it comes to repatriation and areas of return, you can no longer divide the refugees and the IDPs, since they all become returnees to the same areas of return. We therefore need planned returns and planned reintegration, perhaps together with others. We try to practice, with the local population, having the refugees and the IDPs return. In this area, we are really in the middle of that issue. We accomplished this, I think pretty successfully, in Afghanistan. I reported on it in Sierra Leone, and we are doing it in Sri Lanka. Being involved with IDPs is thus not opposed to our type of work. On the contrary, we have to be involved with them — and effectively. Still, formally, I only do it when requested by the system. The Humanitarian Coordinator has to very formally ask UNHCR to take care of returning IDPs. He informs Mr. Egeland of the Office for the Coordination of Humanitarian Affairs (OCHA) of the plan and when he has done that, I say, fine, I am available.

Many mentioned financial support. That is constantly an uphill battle, as the President and others observed. Of course, it is sometimes very difficult for us that other branches receive assessed contributions, while we must go around time and again to ask timidly for voluntary contributions. I have no good answer with regard to that. I do not feel free to make a plea that is not in line with the original idea of the United Nations 50 years ago that we would be funded mainly by voluntary contributions.

I can say only two things here. First, at least the basic UNHCR staff — which, according to the Statute of 50 years ago, was supposed to be funded by the regular budget — should be funded by the regular budget, which is not the case. Secondly, countries with mature economies that consider it their responsibility to assist developing countries by spending resources on development assistance should be aware that the best way to do that is to spend a fair amount on solutions for uprooted people. That is not only humanitarian, in the interests of those people; it is also very much related to ensuring that there is more security, less crime and less human trafficking in this world.

Prioritizing those dimensions is a key aspect of sustainable development. And, as members are aware, since the International Conference on Financing for Development, held at Monterrey, there has been greater opportunity — at least on paper — to do more, to have a North-South partnership between the rich world and the still-developing world. My thesis is that that will be successful only if we can overcome the problem of being stand-offish — not that UNHCR can take care of that problem. UNHCR itself does not have one dollar; we must go to countries. So countries should plan sufficient room in their budgets not only for humanitarian emergencies, but also for permanent solutions. And here, things come together, as I have tried to explain.

I now turn to the remarks of the representative of France, who spoke about West Africa. Very briefly, I was there recently, and I made a plea; I was even a bit instrumental in the planning of the 20 May event on the Mano River countries. I asked them to put on their agenda cross-border demilitarization with regard to both persons and weapons. In order to do that, the three peacekeeping operations must learn from one another and work together. It is not only about individuals; it is also a joint effort to find the too-numerous weapons that are still there.

I also made a second point: that it might be good if the Mano River countries worked not only on that dimension, but also on what you might call the political dimension. To be very specific, if an African lives in Guinea for 10 years, he has the right of citizenship; he is considered a Guinean. In Sierra Leone and Liberia, one has the right of citizenship after

five years. It would be a blessing for Côte d'Ivoire — and therefore for the whole Mano River region — if the region's heads of State agreed that this was to be a systematic tradition, a rule of law, for the entire Mano River region. That would eliminate the risk of excluding people from participating in elections or from being elected.

Such an initiative taken by the Mano River region heads of State — if they wished to take it — would perhaps have more credibility than a request to do something from the international community or Brussels, not to mention Paris. It would be better if those countries themselves came to the conclusion that there was a very valuable tradition in this part of Africa of assimilating as normal citizens, after a relatively short period of time, Africans who have come to those countries.

The representative of France also asked a question about Darfur, in relation to the estimated numbers. We have said from the outset — I have to say, as a result of our experience interviewing people and seeing people — that there will probably be a caseload of approximately 100,000. Because I spoke with French diplomats there, I am aware that they thought there were fewer. We spoke about that: how was that possible? They said that they were nomads, who were going back and forth across the border. It is true that there is cohesion among the population. Therefore, although we said we could accommodate 60,000 out of the 100,000, we have probably accommodated all of them in theory, because we estimate that large numbers will cross the border to go to their families, so they will not really be refugees; they will be refugees only technically. But that was our idea.

There are now two changes. First, the border area itself is becoming increasingly insecure — including for the families living there — so there is probably a need to accommodate a larger percentage of the people who cross the border. Secondly, we do not rule out the possibility that more will come. That, of course, will depend on the effectiveness of the ceasefire — not so much the ceasefire itself, but the belief that it will end with human rights violations there. If you have a ceasefire but violations occur in practice on the ground and people think they will continue tomorrow, those people will use the final days, weeks or months to flee. So at this time, I must prepare for larger numbers.

The representative of Romania, among others, posed a question regarding the discrepancy in the figures between 1 million and 2 million. I do not know the answer; I was not there. We spoke with the refugees; we know it is awful. We said quite some time ago that the number was 1 million. I cannot rule out the possibility that it is much higher; I simply do not know. So I leave that for others to answer.

With regard to Kosovo, very briefly, we have had an enormous setback since the most recent events. We are continuing our work; it is exhausting. UNHCR is truly successful in the former Yugoslavia; the one exception is in Kosovo. I intend to speak with Mr. Holkeri about whether there is another way forward, because we really must think hard about where we go from here. So, to be brief, we are just doing our job. But the possibilities for people to return have been limited, and I do not see many prospects. We must look into this again. I do not think that rhetoric — the people should do this or that — works very well; perhaps we should opt for more practical steps forward and try to find a somewhat different approach. Perhaps I will be able to tell the Council more about that in the future.

I have already addressed the cross-border questions.

I turn now to the representative of Germany, who mentioned the figures in the millions provided by the Office for the Coordination of Humanitarian Affairs. I am not denying that, but I cannot confirm it either.

I was asked to say a few more words about security, country by country. I will try to do that. I will start from the UNHCR perspective. UNHCR, starting with my predecessor, Mrs. Ogata, has improved security considerably. How have we done this? It is through the training of people — how they have to behave. Secondly, it is through technical communications. People always have to report every 20 minutes on where they are, and so on. Thirdly, we have trained people to communicate with all stakeholders in a given region, to come together and analyse situations. There may be misunderstandings or elements of which one may be very aware but which may not be controlled even by those who are locally empowered. We have very much improved that aspect.

I tend to say that we have become a very professional security organization. We are profoundly secure and operate securely. Where we are a bit concerned is the inter-agency dimension in this. It

started with the Office of the United Nations Security Coordinator (UNSECOORD). We are in favour of UNSECOORD. UNSECOORD brings the agencies together so that we have a United Nations country team on security. It is good when there are some UNSECOORD people on the ground. Then it goes well. When it goes wrong — if it becomes a system of only writing papers, reporting to Headquarters, and then Headquarters making philosophies of how one has to act in a country — then nothing can be won.

We made a study, together with the United Nations Assistance Mission in Afghanistan, and we found that we — not only UNHCR — have a highly professional structure working in Afghanistan, involving the expertise of non-governmental organizations in structures. We have made a strong plea that others should learn from that, as we did in Sierra Leone and as we try to do in Liberia and other countries, and be very cautious about having a system in New York that thinks it must manage the situation. That might lead to less security, not only by drawing the wrong conclusions — such a judgement call can always happen — but by abdicating the responsibility. It would really be a step back if people should say: "Security is not my business. You have experts outside who provide security".

We have invested so much in this "operate secure" way that I stress we should not lose it. I can provide an example concerning Iraq. Today, when local staff in Iraq stay at home because of an analysis made totally outside Iraq, it is very difficult to relate to your local staff if they ask why. We cannot answer. These are indications that, as I say, we should take care over. Maybe we have become too obsessed by the Iraq experiences, which is why I made the remark that we will find out later that perhaps we went too far by supposing that people who do humanitarian work have no knowledge about security. I think my people have a lot of knowledge about security and they behave very properly. We had the critical reports after Baghdad on agencies that did not behave and had more people than was allowed, and so on. I checked with my own people. It was simply not true for UNHCR, and not only there. So I think the time has come to raise our voice a bit, to look to the good experience and to capitalize on it.

Having said all that, security is so important for me and such a priority that sufficient funding for security — we spend more on security these days — is very key. It is in the interests not only of our people, but also of our operations, that people continue to prioritize security. Do not misunderstand me. I do not like cowboy attitudes, but neither do I like to say: "Let us not operate at all". Therefore, I cited that example of the fortress, as I wish to explain a little bit further to the Council.

In response to the representative of Philippines, let me say that there is a system with regard to the security in camps. That started long before I came in, but we have improved considerably. I have mentioned one thing: refugee camps should be located at a distance from areas of conflict. That is one thing. Secondly, we must check on people and organize the camps. Very often, together with a Government, which we have invited, we have organizations in the refugee camps to rid them of arms. That is very important. Thirdly, we must not accept overly protected situations, because then you get a degradation; it becomes too attractive for young people to relate to armed groups. These are the systems we have put in place and we are trying, of course, to improve this further.

The representative of the United States asked about Darfur, and I am grateful for his generosity in mentioning it. I made my remarks and have not much to add. We have, of course, tried to prepare in Chad so that, if more come, we can accommodate more. I have to balance my capacity now: Do I have spare capacity in Chad or do additional things in Darfur? That is what I wanted to say on this.

As to the question posed by the representative of Algeria, I have to repeat what I said earlier, because I think it is the main point in relation not only to funding, but also to solutions. Today, making pleas to countries to respect the refugee law and not to push out refugees is not enough. We have to add the dimensions of burden-sharing, to understand that only the multilateral efforts of countries together can provide permanent solutions and reduce these irregular secondary flows and the risks of human trafficking and crime. This is, as it were, the new era. We have to do that. There is a word for it: we call it "Convention plus". That is also the key answer, I think, to the financial dimensions. Again, it is my job to try to explain to Governments that spending money on this is beyond a humanitarian gesture. It is indeed building a safer world. That is the basic point.

Therefore, we must also not allow ourselves to forget certain crises, and not only in terms of hunger or misery. Most of the time, I would say, if it is serious the media will report on it. It took some time, but the reports are now in on Darfur. So that is known, but what is a problem is when there some 100 000 Bhutanese who have been living in Nepal for more than a decade and people ask: "Are there refugees there?" They have never heard about them. There is a real risk, and it even becomes a political problem if we cannot find solutions for a forgotten refugee population. And that is only one example. We will try to work on that.

I come gladly to your questions, Mr. President. I have tried to answer the question on assessed contributions, on the one hand, and the humanitarian challenge, on the other. Then I was asked, regarding Afghanistan, to shed some light on the tripartite agreement. The answer is, yes, we tried to fill in the road map. That starts, of course, with respecting the tripartite agreement. This year, again, we have tried to bring home about 500,000 from Pakistan, but we want to prioritize somewhat — a little bit — the returns from the new camps, because we see security risks in the so-called new camps. Those are the camps near the border in the tribal areas. We see this as part of the tripartite agreement and we are in consultation with the Government on how to do that. It cannot be all forced in one day, but there has to be that ambition to do that.

And from there, we will look at other priorities. It is not a secret that the Government of Pakistan has an ambition to see substantial returns out of the cities as well. That is happening. For us, the process is a voluntary one of offering possibilities. There are, of course, certain priorities. In the cities, refugees are sometimes understood as a real problem, but in other situations, less so. That is part of the reality. I have already underlined that, from my perspective, the new camps are the top priority. But we will probably have to do both. Then we will achieve our numbers. Then we will see where to go from there.

In Iran, as well as in Pakistan, at a certain moment we will come to the Afghans who have now been living there for a long time and have become very productive. The reduction of assistance poses something of a test because individuals who do not receive assistance really have to make a choice about earning a living: do they go home or do they already have a job, an income, an activity — some even have businesses — in those countries? So, I can see that when we gradually come to the end of the tripartite agreement — and I have already put this on the table with both Governments — we have to establish to what extent Afghans living there are still a burden on the country and to what extent are we gradually starting to talk about temporary migrant workers. At some point we will recognize that, while respecting the tripartite agreement.

Finally, on the elections, as the High Commissioner for Refugees, I applaud when people with whom I am concerned can participate in elections. Therefore, there is motivation to participate in the process. As a United Nations person, I have to respect the specialized expertise of the structure of the United Nations Assistance Mission in Afghanistan (UNAMA). The United Nations has put in place people, *et cetera*, for that purpose. I spoke about this frankly in Islamabad and said that I am positive about participating, but please respect the role, on the United Nations side, of the UNAMA structure organizing the elections. The UNHCR cannot be seen to be organizing the elections. It is a question of making ourselves available for assistance and promoting the process.

Another aspect is that when the elections are over, we are still there, with the Government, with many Afghans in Pakistan. We will probably have to do an analysis of the Afghans in question, not only in terms of numbers but more in terms of what we call profiling the people to see how to assist in the repatriation of those people over a number of years and to see to what extent they will be temporary migrant workers for a number of years. That is not something that can be done hastily before the elections. So, there are two phases in all this.

I have spoken too long, I fear. I could go on. Clearly, I like my job. But perhaps it is better that I stop here.

The President: I thank the High Commissioner for Refugees, Mr. Ruud Lubbers, for those comments and clarifications, and I thank him for responding to all the questions and comments that were made by members of the Council.

There are no further speakers inscribed on the list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.15 p.m.

United Nations S/PV.4974

Security Council

Fifty-ninth year

Provisional

4974th meeting

Friday, 21 May 2004, 10 a.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-35900 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs, to whom I give the floor.

Mr. Prendergast: Since the Secretariat's most recent briefing to the Security Council, on 23 April (see S/PV.4951), the situation in the Middle East has been characterized by the — tragically — by now all-too-familiar phenomenon of growing violence, destruction and despair. On Wednesday, the Council addressed the crisis in resolution 1544 (2004). From that resolution I would like to draw two points: first, the need for the Government of Israel to ensure that in defending its citizens it stays within the parameters of international law; and secondly, the need for both parties immediately to implement their obligations under the road map.

Meanwhile, the statistics make grim reading. Over the past month, 128 Palestinians and 19 Israelis have been killed, and hundreds more injured. The Israeli army has demolished hundreds of Palestinian homes, in breach of its obligations under international law. Economic conditions have continued to worsen still further, bringing yet more suffering, and deepening the prevailing despair. The humanitarian situation in the occupied Palestinian territory, although stable, is at a very low point, with visible signs of donor fatigue and a severe shortage of finances for humanitarian assistance efforts. Elsewhere in the region, along the Blue Line, violations have threatened to disrupt a precarious stability.

At the political level, deadlock prevails. At our most recent briefing, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, Terje Roed-Larsen, described the political crossroads lying ahead of the parties, whose choices will determine the foreseeable future of the peace effort in the Middle East. Unfortunately, and despite strong calls by the international community, both Israel and the Palestinian Authority are stalled at those crossroads.

The international community, led by the Quartet, recently reiterated its commitment to finding a peaceful solution to the Arab-Israeli conflict and to assisting both Israelis and Palestinians out of the current morass through the implementation of the Quartet's road map. The meeting of Quartet principals held at United Nations Headquarters on 4 May articulated that strong commitment in some detail.

First, the Quartet principals reiterated that all final-status issues such as borders and refugees should be negotiated by the parties, and that such negotiations must be based on the terms of reference of the peace process, including relevant Security Council resolutions and the Arab peace initiative. The principals emphasized that the outcome of negotiations cannot be pre-empted. This reiteration is not rhetorical; it is designed to reassure the parties of the international community's backing for their legitimate claims. The Quartet wants to give the parties confidence that taking the measures required by the international community now will in no way undermine their final-status rights and claims.

Secondly, the Quartet set out principles for the success of the Gaza withdrawal initiative, namely that it should be complete, it must lead to an end of the occupation of Gaza, and it must be accompanied by similar steps in the West Bank. Such a withdrawal would be a welcome development, as it could represent a beginning, not an end, of a process which carries the potential of restarting the peace process in a meaningful way.

Thirdly, the Quartet expressed its readiness to engage with a reformed, reorganized and accountable

Palestinian Authority, and with an empowered Prime Minister and Cabinet which is committed to reform and to combating violence and terrorism. None of these requirements is new or imposed. They are requirements of the road map.

The Palestinian Authority, and President Arafat himself, have embraced all of them and committed themselves to their implementation. The Quartet awaits the fulfilment of those commitments.

Fourthly, the Quartet urged the Government of Israel to dismantle, immediately and without further delay, all settlement outposts erected since March 2001 and to move towards a full settlement freeze, including a freeze on natural growth. The Quartet expressed its grave concern over the course and the consequences of the construction of the barrier, despite Israel's pledge that the barrier is to be temporary and for security — not political — purposes. The Quartet also reminded Israel of its obligation to comply fully with the provisions of international law and to assume its responsibilities as an occupying Power.

Finally, the Quartet principals started discussion of an action plan designed to move the parties ahead and to help them in meeting their obligations. Discussions are still ongoing, and the Quartet envoys will start acting upon them as soon as those discussions conclude.

I take this opportunity to remind the Council that action by the international community or the Quartet is no substitute for steps taken by the parties. Experience from other conflicts is that solutions are adopted and implemented only when the parties themselves decide to do so. In the case at hand, deadlocks and paralysis continue to prevent the parties from taking the courageous decisions needed to begin moving along the Quartet's road map.

In Israel earlier this month, a majority of the Likud party voted against Prime Minister Sharon's initiative to withdraw unilaterally from the Gaza Strip. That rejection sparked an internal debate during which the Prime Minister reiterated his intention to pursue the initiative. Support for a withdrawal had been demonstrated by the tens of thousands of Israelis who took to the streets of Tel Aviv and by opinion polls that show strong popular support for a Gaza pullout. Unfortunately, that debate cast a shadow over the more fundamental issues: namely, the nature, the scope and the terms of the Gaza withdrawal, as well as its relationship to implementation of the road map. Consequently, we are facing a stalemate, awaiting political decisions needed to transform the initiative into a plan aimed at ending the occupation of Gaza and leading to the full end of the occupation that started in 1967.

During this period, Israeli settlement expansion continued unabated in Gaza and in the West Bank, prompting Palestinians to wonder if all the talk about settlement evacuation was a cover-up for more expansion. Reports estimated the number of inhabitants of the outposts erected since March 2001 at 2,000, with some of the outposts connected by roads, electricity and water supplies. I would like to remind the Council that those outposts should have been dismantled upon the release of the road map a year ago.

Together with settlement expansion, the construction of the barrier continues to erode Palestinian territory and Palestinian hope. According to the best estimates of the latest Israeli construction plans, the barrier will put more than 12 per cent of the West Bank — plus occupied East Jerusalem — on the Israeli side of the barrier. Although Prime Minister Sharon has stated that the barrier is temporary, it is equally clear that Palestinians see it as the greatest single threat to the viability of their future State.

In our briefing last month, as well as bilaterally and together with the Quartet, we called on the Palestinian leadership to reorganize and to act decisively against terror and violence. We called on President Arafat to take a historic action in order to reinvigorate and refocus the Palestinian Authority, end the current vacuum and paralysis, and revitalize the Palestinian leadership. Such action is needed in order to address the Palestinian Authority's frustrating and increasing credibility deficit in the area of security reform, and, therefore, to engage Israel on the track of peace.

The international community is entitled to judge the Palestinian Authority by its actions in this regard. It is essential, in our view, that the Palestinian Authority grasp the nettle of reform without further delay. First of all, the Palestinian Authority will need to provide effective rule of law and government services in the event of a unilateral Israeli withdrawal from Gaza. Moreover, the Quartet needs a reformed Palestinian Authority as a full and effective partner.

While the parties stalled and deferred the critical decisions facing them, the situation on the ground deteriorated quickly. On 2 May, a Palestinian gunman killed a pregnant Israeli woman and her four children in cold blood near a settlement in the Gaza Strip. On the same day, the Israeli Defence Forces (IDF) destroyed 12 houses in the neighbouring Azirr area in Khan Younis. On 3 May, one house was destroyed and another partially damaged in the neighbouring Abu Alajeen area. A few days later, the mourners for the mother and her four children were shot at during the funeral. The IDF demolished the house from where the shooting originated, and, on 9 May, it demolished nine other houses. In the same area, the IDF began constructing a seven-kilometre barrier and installed a barbed-wire fence running from the Kfar Darom settlement to the Qissufim road.

Also on 9 May, Israeli forces carried out a large-scale incursion into the densely populated Az-Zaytoun neighbourhood of Gaza City. During the incursion, Palestinian militants ambushed and destroyed an armoured personnel carrier, killing six soldiers. Heavy fighting ensued, resulting in the deaths of 13 Palestinians, among them four children and a 60-year-old man, and in injuries to more than 100 people, among them at least 25 children. The IDF also shelled buildings in the neighbourhood, inflicting extensive material damage. Palestinian militants belonging to the Islamic Jihad and Hamas took away the body parts of the dead soldiers, adding a gruesome new dimension to an already ugly situation. The IDF announced that it would continue besieging the neighbourhood until the body parts were restored, effectively taking the civilian population hostage and punishing them for actions committed by the militants.

Three days later, on 12 May, just as the Government of Egypt had negotiated the restitution of the slain soldiers' bodies to the IDF and the end of the siege, a landmine in Rafah destroyed a second Israeli armoured personnel carrier, killing five soldiers and injuring three others. Another round of heavy fighting ensued, resulting in the death of 24 Palestinians and injury to 200 others. Since then, the IDF has demolished hundreds of Palestinian homes in Rafah. In just the two days following the 12 May attack, more than 1,000 people in Rafah were rendered homeless. The Government of Israel says that the destruction is part of an effort to stem the flow into Gaza of arms used to attack Israelis. The Secretary-General has condemned such actions and has reminded Israel both of its obligations under international law and that collective punishment is a grave breach of international humanitarian law.

In total, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reports that more than 18,000 people have lost their homes in Gaza since the outbreak of the uprising in September 2000. UNRWA estimates that it would cost $32 million to re-house them. To date, UNRWA has managed to re-house only 1,000 homeless people.

Particularly disturbing, amid the violence in Gaza, was Israel's strike that resulted in deaths among a crowd of demonstrators on 19 May in Rafah. At least eight Palestinians, many of them children, were killed as they protested against the military operation. Israel apologized for the deaths, saying that they might have been caused by an errant shell, but that does not excuse the Israeli military for firing heavy weapons near a crowd of civilians. The Secretary-General strongly condemned the tragic event and called on Israel immediately to halt the military operations in Gaza. Let me reiterate what he said then and what we have said consistently throughout the current hostilities. Israel must abide by its obligations as the occupying Power, which include protecting the civilian population and eschewing the use of disproportionate or indiscriminate force.

During this reporting period, Israel continued its policy of extrajudicial killings. On 15 May the Israeli air force carried out air strikes against the house and office of an Islamic Jihad leader, Mohamed Hindi, in an attempt to kill him. We again call on Israel to cease immediately this illegal policy. IDF raids and incursions in Palestinian areas continued. Palestinians sources claimed that the number of raids and incursions during the past month number 239 in the West Bank and 58 in the Gaza Strip. Those raids were accompanied by arrests in 141 cases.

Not surprisingly in these circumstances, the Palestinian economy continued to languish. Recent economic indicators show that unemployment increased by 2 per cent in the first quarter of 2004 and that the number of Palestinians working in Israel declined by approximately 2,000 persons during the same period, out of approximately 56,000 Palestinians estimated to work in Israel during that time.

Unemployment increased for the second consecutive quarter and now stands at 26.3 per cent.

Gazan workers were only able to leave Gaza for approximately seven days in March, but since Hamas leader Abdel Aziz Al-Rantisi's killing, the Erez crossing has been closed to workers entering Israel.

Following Prime Minister Sharon's announcement in December 2003 that restrictions on movement would be lifted, there had been some signs this year that closures had eased periodically. Despite that, so-called back-to-back platforms continued to restrict commercial traffic between most urban centres. Roadblocks, checkpoints, earth mounds, ditches and gates have continued to be enforced in 2004. Furthermore, checkpoints and earth mounds are removed and re-imposed at short notice, preventing Palestinians from planning economic and social activity.

The financial position of the Palestinian Authority remains critical. Revenues are expected to be 3 per cent less than pre-crisis levels, while expenditures have risen 25 per cent during the same period. The monthly budget deficit, currently at approximately $35 million, is nearly 50 per cent higher than pre-crisis levels. The only positive news in this regard is the announcement by the World Bank in late April that it was launching a new trust fund to support the Palestinian Authority budget and reform. Norway has transferred $12 million into the new fund.

In the midst of so much destruction and violence, as we try to look for ways out of the impasse, the following points may be relevant. First, the idea of an Israeli withdrawal from the Gaza Strip seems to have gained momentum and now looks more likely than before. Secondly, there is agreement in the international community that withdrawal from Gaza should be carried out in a way that makes it an end of the occupation and signals a new beginning for the peace process. Thirdly, we note that all parties have a stake and responsibilities in this regard: the Government of Israel, the Palestinian Authority, regional players, the Quartet and, of course, the Security Council. We detailed those roles and responsibilities in our last briefing, delivered by Mr. Roed-Larsen, and I need not repeat them here. However, if Israel pulled out from the Strip while retaining control over the crossings and sealing off Gaza, while at the same time a weakened Palestinian Authority failed to maintain law and order and the international community refrained from footing the bill for the consequences of such a scenario, nothing less than a humanitarian disaster would hit Gaza, which could then become a hub for terror and chaos. No doubt, that is a worst-case scenario, but it is one that we should keep in mind while urging the parties to follow the right path.

If I may turn now to the situation in southern Lebanon, troubling incidents in the past month again demonstrated the fragility of the situation along the Blue Line. On 5 May there were more than 20 Israeli air incursions into Lebanon, across the Blue Line. Ensuing anti-aircraft fire by Hizbullah resulted in rounds landing close to the Israeli town of Shalomi. The IDF responded with air raids on two suspected Hizbullah positions south-east of Tyre. Fortunately, no casualties were reported on either side. These events ended a six-week period of relative calm. Less than 48 hours later, Hizbullah engaged the IDF in an exchange of fire in the Shab'a farms area, when they launched missiles, mortars and small arms fire against an IDF position. One Israeli soldier was killed and five others were injured. The IDF responded with tank, artillery, mortar and machine-gun fire, as well as with aerial bombs, in the vicinity of Shab'a and Kafr Shuba. In addition, the IDF targeted a position of the United Nations Interim Force in Lebanon (UNIFIL) with three smoke rounds, which UNIFIL strongly protested to the IDF. We have reminded Israel of the inviolability of United Nations personnel and property.

The Lebanese authorities asserted that the firing by Hizbullah came after an IDF patrol had violated the Blue Line in the Shab'a farms. The IDF in turn claimed that Hizbullah had planted booby traps on the perimeter of the IDF position. At the request of the Government of Lebanon, UNIFIL undertook an investigation, but was unable to confirm or deny the claims by either party.

Following the incidents of 5 May, the Personal Representative of the Secretary-General for southern Lebanon, Staffan de Mistura, publicly urged both sides to exercise restraint amidst a background of high regional tension. The Secretary-General, on 7 May, expressed his great concern about the escalations of that week and strongly urged the parties to exercise restraint. The United Nations has consistently criticized the use of force by either side and has called on the parties to abide by their obligations under the

relevant Security Council resolutions. The United Nations has also on many occasions pointed to the unwarranted and provocative nature of Israeli air violations and has called upon the Israeli authorities to halt them. The Lebanese authorities too have been urged repeatedly to halt the firing of anti-aircraft rounds from Lebanese territory, which in the past have caused civilian fatalities.

All parties have claimed that they do not wish to see a deterioration of the situation along the Blue Line. Given the potential for any incident to escalate, we urge the Governments of Lebanon and Israel to follow up their stated intentions to ensure calm along the Blue Line with actions on the ground and to refrain from further hostile acts.

If I may say a word about Syria and Israel, on the instructions of the Secretary-General, Mr. Roed-Larsen met last week with Presidents Katzav, Lahoud and Assad, as well as with other Israeli, Lebanese and Syrian officials in order to explore ways in which it might be possible to make headway on the Lebanese and Syrian tracks. He will continue his efforts. There is no intrinsic reason why those tracks should remain frozen; the ingredients of peace are in place. What is needed now are political decisions by the parties to move ahead quickly. A Syrian-Lebanese-Israeli peace agreement would radically improve the atmosphere in the region in favour of peace and security.

Let me conclude by saying that I regret very much the need to deliver such a melancholy briefing, full of death and destruction and human misery. Surely, the people of Israel and Palestine deserve better news, rays of hope. There has to be a better way. In fact, there is a better way, in the shape of the road map. It is not new, but it is viable, once the leadership on both sides have the vision and the courage to start following it in good faith and with determination, and to continue along it to the very end. As always, it is a question of political will.

The President: I thank Under-Secretary-General Prendergast for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.

United Nations S/PV.4975

Security Council

Fifty-ninth year

Provisional

4975th meeting

Friday, 21 May 2004, 1 p.m.

New York

President	Mr. Akram	(Pakistan)
Members	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mrs. D'Achon
	Germany	Mr. Trautwein
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Howe-Jones
	United States of America	Mr. Holliday

Agenda

The situation in Burundi

Report of the Secretary-General on Burundi (S/2004/210 and Add.1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-35906 (E)

The meeting was called to order at 1 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

Report of the Secretary-General on Burundi (S/2004/210 and Add.1)

The President: I should like to inform the Council that I have received a letter from the representative of Burundi, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nteturuye (Burundi), took a seat at the Council table.

The President: I should like to inform the Council that I have also received a letter dated 20 May 2004 from the Permanent Representative of Mozambique, which reads as follows:

> "On behalf of the African Union, I have the honour to request that my delegation, in its capacity as representative of the Chairperson of the African Union, be allowed to participate without the right to vote, in accordance with the relevant provisions of the United Nations Charter and rule 39 of the provisional rules of procedure of the Security Council, in the debate on the item 'The situation in Burundi' presently on its agenda."

That letter will be issued as a document of the Security Council under the symbol S/2004/415.

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Filipe Chidumo.

There being no objection, it is so decided.

I invite Mr. Chidumo to take a seat at the Council table.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on Burundi, contained in document S/2004/210 and Addendum 1.

Members of the Council also have before them document S/2004/410, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1545 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.05 p.m.

United Nations S/PV.4976

Security Council

Fifty-ninth year

Provisional

4976th meeting

Tuesday, 25 May 2004, 10 a.m.

New York

President	Mr. Akram	(Pakistan)
Members	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mrs. Serazzi
	China	Mr. Cheng Jingye
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

Threats to international peace and security caused by terrorist acts

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-36237 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President: I should like to inform the Council that I have received letters from the representatives of Costa Rica, India, Ireland, Japan and South Africa, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Heraldo Muñoz, Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and associated individuals and entities.

There being no objection, it is so decided.

I invite Ambassador Muñoz to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/349, which contains the text of a letter dated 27 April 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and associated individuals and entities.

At this meeting, the Security Council will hear a briefing by Mr. Heraldo Muñoz, Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and associated individuals and entities.

I now give him the floor.

Mr. Muñoz (*spoke in Spanish*): I beg the indulgence of the Council: I will be speaking not in my own language, but in the language of Shakespeare — English, for practical reasons related to the preparation of the oral report.

(*spoke in English*)

This is the first of the 120-day oral assessments submitted to the Council by the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), as required by resolution 1526 (2004). As stipulated in that resolution, I will inform the Council about the overall work of the Committee and the Analytical Support and Sanctions Monitoring Team, summarize States' progress in implementing the sanctions measures and address communications with States regarding additional requests for information and assistance.

Several positive developments have taken place since my most recent oral report to the Council, in January, including an increase in State compliance, indicated by the submission of 33 additional reports pursuant to paragraph 6 of resolution 1455 (2003), leading to a total of 126 reports submitted by Member States. In addition, the Committee received 15 letters from States explaining their reasons for non-reporting, pursuant to paragraph 23 of resolution 1526 (2004).

Despite some advances, terrorism continues to be a serious threat to international peace and security. Given the recent occurrence of terrorist incidents worldwide, it is necessary for the Committee to maintain regular communication with Member States and to regularly inform the Security Council about the progress achieved, as well as about current challenges and problems in sanctions implementation.

As regards the work of the Committee, on 30 January 2004 the Security Council adopted resolution 1526 (2004), which created the new, more demanding conceptual and substantive framework for the future activities of the Committee. On 18 February — shortly after the adoption of the resolution — I briefed all Member States in greater detail on the most important

aspects of the resolution. I and other members of the Committee were very pleased that the briefing was well attended: representatives of 70 States showed their interest in knowing more about the new resolution and the overall work of the Committee.

Since 12 January, the Committee has held 12 informal and two formal meetings. The Committee continued its practice of discussing the issues in informal settings, as that allows members of the Committee to exchange their views more openly. At the initiative of some members, the Committee has started discussing a working paper containing definitions of terms used in resolution 1526 (2004) and other relevant resolutions, particularly the definition of the freezing of funds or other financial assets or economic resources, with the purpose of providing more clarity and precision to the Committee regarding the performance of its monitoring functions, as well as to Member States in their implementation efforts.

Early in February, the Committee endorsed a programme of work for 2004 and decided upon the main issues to be discussed at its informal meetings. The Committee also approved a very detailed annual report (S/2004/281) containing information about the Committee's activities in 2003.

Since 1 January 2004, the names of 19 individuals and six entities have been placed on the Committee's list. Members of the Committee fully realize that the list continues to play a crucial role in the implementation of the sanctions measures. The Committee therefore decided to approach all States — as it did in 2002 — with a request seeking their assistance in providing identifying information about the names already on the list and in submitting new names to the list.

The Committee has established a list of contact points similar to the list used by the Counter-Terrorism Committee (CTC). Such a list will allow the Committee secretariat to automatically inform competent officials from Member States about amendments to the list whenever such changes are made.

On 26 April the Committee approved a report containing a list of those States that by 31 March 2004 had not submitted reports pursuant to paragraph 6 of resolution 1455 (2003) and an analytical summary of the reasons put forward by States for non-reporting. The report (S/2004/349, annexes I and II) was introduced by the Chairman of the Committee to the Security Council at its informal consultations on 27 April.

Although no formal procedure regarding humanitarian exceptions pursuant to resolution 1452 (2002) has been adopted, the Committee considers States' notifications of this nature expeditiously.

The Monitoring Team began its work at the beginning of April 2004 and has since established a wide range of contacts, including with representatives from 50 Member States. The Team has submitted to the Committee an initial work plan, a short report on the hawala system, an analysis of why certain States did not report as requested by resolution 1455 (2003), and an analysis of the 43 reports received by the Committee since 30 October 2003. It has established regular contact with the CTC and has held informal and formal meetings to discuss visits, reports, work priorities and programmes. The Team intends to continue to develop its relationship with the new Counter-Terrorism Executive Directorate (CTED) to ensure minimum overlap and maximum synergy.

The Team is currently preparing its first report and an analysis of all reports submitted under resolution 1455 (2003). It is also designing and building a new database that will include information on the implementation of Al Qaeda and Taliban-related sanctions. The Team is also working to maximize the impact of the list by correcting entries, seeking improvements to the identifiers, encouraging States to contribute names, analysing why States may be reluctant to submit names, and looking at two specific incidents of cross-border funding of Al Qaeda-associated terrorists.

Concerning implementation of the sanctions, the following findings represent a preliminary assessment by the Monitoring Team of the 43 reports submitted by Member States pursuant to paragraph 6 of Security Council resolution 1455 (2003) between 30 October 2003 and 27 April 2004.

The quality of those reports is uneven. Most do not provide precise details of action taken by Member States to implement the sanctions regime. Although some States refer to the reports they submitted to the Counter-Terrorism Committee, the information requested is often also lacking in these reports.

Regarding legislation, many Member States did not appear to have incorporated the Al Qaeda-Taliban sanctions measures in their domestic legislation or administrative rules, considering their existing laws sufficient to deal with all forms of terrorism. However, this does not always appear to be supported by the facts, especially with regard to the freezing of financial assets and economic resources. Some States argued that they had no need to adopt special laws to implement the measures. Only a few stated their intention to amend their laws.

On financial measures, a varied approach was taken to implement the assets freeze. Some States reported that previous or new money-laundering legislation provided the legal basis for this. Others cited banking regulation laws. In a few cases, it was not clear which law was being applied, although often a ministerial decree would be used.

The many references to money-laundering legislation suggest that there may be some confusion between money laundering and terrorist financing. Some States indicated that the sanctions were addressed by newly adopted laws on terrorism that made its financing, actual or attempted, a criminal offence.

It appeared that in most States, for the purpose of assets freezing, the consolidated list continued to have a limited distribution, usually being made available only to banks. Few States notified other financial institutions, and even fewer circulated the list to non-financial entities or offices.

Most States reported new regulations governing charities, including requirements for licensing or registration, for proper records of all transactions to be kept, and for audited accounts. Some States said that charities were subject to inspection to ensure that assets were being used in accordance with their charters, while others reported that charities were examined only for tax liability.

The majority of States did not provide any information on efforts to regulate alternative remittance systems. Those that did said that requirements included licensing or registration. Some States went further and required them to abide by the regulations applicable for banks and other financial institutions, such as "know your customer" and filing suspicious-transaction reports.

On the travel ban, most States appeared to have integrated the consolidated list into their border-control systems. However, it seems that only a few were able to do this electronically, or in a way which allowed immediate research, regular and timely updating, or the quick and efficient transmission of data.

Many reports did not elicit a complete response on the arms embargo. Although most States appeared to have adequate regulations to deal with the illegal acquisition or retention of both conventional and unconventional arms, many also reported that they had not taken any specific measures to implement the arms embargo or to enact legislation aimed specifically at Al Qaeda and the Taliban. Of the States that provided details of their legislation on arms trafficking, most considered their domestic regimes sufficient to deal with all forms of terrorism.

In accordance with paragraph 15 of resolution 1455 (2003), I shall prepare and circulate a comprehensive written briefing to the Security Council of the actions taken by all Member States to implement the measures and an assessment of their effectiveness.

Let me refer now to my recent travel in my capacity as Chairman. Between 1 and 8 May I undertook a mission pursuant to paragraph 10 of resolution 1526 (2004) and visited Algeria, Tunisia, Spain and Senegal. The visits were conducted to engage in a dialogue, to learn from the experiences of the countries visited, to listen to their ideas and problems, and to understand their preoccupations and concerns.

In all four countries, I thanked officials for their important contribution and for their efforts in the fight against terrorism, and I noted the importance of cooperation with the Committee and the need for full implementation of the sanctions regime.

An issue that we discussed in all countries was the need for cooperation and information-sharing among States. It was acknowledged that progress had been made in cooperative relations between African and European countries, especially since the attacks of 11 September and of 11 March. In one country, it was suggested that the Committee should be provided with more sensitive information. In my view, there is a great awareness in most European States that, indeed, some Maghreb countries have very valuable information, while the European region has more resources — a combination which bodes well for even further

cooperation. I noted in all countries that it was the firm belief of the Security Council that the fight against terrorism and the protection of human rights could not be separated; indeed, the fight against terrorism cannot be won in the long run without respect for, and adherence to, human rights standards.

The visits also gave an opportunity to discuss new ways in which terrorist organizations raise funds. Here, a new trend has been detected whereby some terrorist organizations use legitimate or illegitimate commercial means of raising funds and transferring them across borders, such as owning import-export companies. Tracing the money trail in these cases has proved to be a difficult task. There was also a fear that terrorists would increasingly use kidnapping as a way of raising funds. I was informed of a continuing trend of close connections between terrorist organizations and other criminal enterprises such as smuggling networks.

Ensuring that Member States can trace money is one of the most effective tools that the Committee has at its disposal. For that reason, during our visits one particular focus was the financial measures of the sanctions regime. In all the countries we visited, I reminded the authorities that the new resolution 1526 (2004) strengthened the regime by clarifying certain elements which had caused irregular implementation by Member States. First, it made clear that "assets" includes property, which would entail Member States' seeking to freeze more than just bank accounts when implementing the sanctions. The resolution also stressed the need to place greater awareness on cash couriers, which have emerged as a new way in which funds are being transferred.

It was encouraging to note an improvement in the control over non-governmental organizations and other civil organizations. In one country, those organizations are now required to account for their goals, activities and funding. In another, it was specified that organizations may not receive funds from suspicious or unknown sources. In yet another country, recent legislation obliged all such organizations to maintain records for six years regarding the origin and the destination of their assets.

One country has also put in place several measures to correctly identify the sender and the recipient of any money transfer, and the authorities are developing better connections with business enterprises in order to be able to get relevant information in real time.

In the countries I visited I asked about the submission of additional names to be included on the Committee's list or the freezing of assets. That, I found, was of particular importance in those States where it is well known that individuals have been apprehended and sometimes even convicted for their links to Al Qaeda and the Taliban, or where associated organizations, at least some of which must have owned property in the form of homes or offices, had been closed. It would appear to me that more can still be done in terms of the assets freeze and about the fact that the important clarification made in the recent resolution noting that property is also to be considered an asset has yet to be properly implemented.

I observed that all four countries have implemented the Security Council's encouragement to Member States in resolution 1526 (2004), paragraph 5, to establish internal reporting requirements and procedures on the transborder movement of currency. In one country there were even requirements to report the movement of a certain amount of cash within the country. While thresholds and reporting requirements may differ, the establishment of such requirements should be encouraged in all countries.

I also discussed the implementation of the arms embargo. I noted that the Committee had found that it had received very little information from those countries, especially considering that several of them provided more information to private sources, such as Jane's, than they did to the Committee. I noted that the Committee had seen trends in the use of commercial enterprises by terrorist organizations for financing and transferring assets, and it is feared that such enterprises may be involved in the arms trade as well. Some of the countries visited provided information on how the commercial use of explosives is regulated.

An important part of the mission was the discussion of the use of the Committee's list of individuals and entities. I commended a new procedure established by some countries by which consultations are conducted between relevant States prior to the submission of names. I find that this is a procedure that other States could also use, as it will increase the likelihood of the Committee finding merit in the request. I reminded our interlocutors of the importance of including as much information as possible with all

submissions, including identification and background information.

It was suggested in one country that the Committee could do more in the field of pre-notification, as it was feared that the time gap between the imposition and the implementation of sanctions would allow terrorists to move their assets.

Some States are concerned about terrorist propaganda, which is seen by some as being an issue even more important than terrorist financing. That issue may be one that the Council should seek to address.

Lastly, and importantly, the question of assistance was raised at several of our meetings. It was made clear to us that developing countries have many priorities besides counter-terrorism, and that certain measures, such as strengthening border control, are tremendously expensive. I consistently referred our interlocutors to the CTC, but at the same time I should note that it was suggested that our Committee could do more in that regard.

In sum, I found this mission to be tremendously useful for our future work. The mission was also important in that the countries visited were given an opportunity to discuss their concerns, the problems they might have in the cooperation they get from other countries, their needs for assistance and, fortunately, the chance to relate successes they have had and their recommendations for improvements in the fight against terrorism in general and for the sanctions regime in particular. I should highlight the tremendous help that I had from the delegates, ambassadors and members of the Council, the Secretariat and the Monitoring Team who accompanied me on this mission. I thank them publicly.

The mission brought forward the following recommendations, some of which fall outside of the scope of the Committee. For example, a system of consultations between Member States submitting names for inclusion on the Committee's list should be encouraged. It was also suggested that the Committee should encourage wider use of pre-notifications.

Cooperation between States should be furthered and the level of information-sharing increased. It should also be considered whether the Committee and its Monitoring Team could have a role in advancing information-sharing. There should be continued awareness of avoiding a North-South divide in the fight against terrorism. There is a need for a dialogue between cultures that will further tolerance and mutual understanding. Such issues should also be part of the educational system, and the fight against terrorism should address questions such as poverty reduction, employment and education.

There continues to be a need for assistance in a number of countries, and the Security Council should work with the new Executive Director of the Counter-Terrorism Committee Executive Directorate to strengthen CTC capacities in this field. The cooperation between our Committee and the CTC could still improve, especially at the level of experts. States are already working to implement reporting requirements for transborder cash currency transfers, a development that should be encouraged. The system seen in one country that required non-governmental organizations, charities and other organizations to maintain records for six years could also be a model for emulation.

Awareness should be raised on the impact of terrorist financing through kidnappings, commercial enterprises used for raising or transmitting funds and other crimes linked to terrorism. Whether or not this Committee can address those issues should be considered. Finally, it was recommended that the Committee should continue to visit selected States.

Let me now turn to the analysis of the reasons for not reporting. As the Council will recall, I submitted a report to the Council on 27 April 2004 (S/2004/349), in which I reported that 68 Member States had not submitted reports pursuant to paragraph 6 of resolution 1455 (2003) as of the 31 March 2004 deadline set by resolution 1526 (2004). However, 15 of those States submitted a letter explaining their reasons for non-submission. As requested in resolution 1526 (2004), the Committee prepared an analytical summary of those reasons, which was contained in the above-mentioned report. It should be noted that in the period between 12 January 2004, when I last briefed the Council, and the 31 March deadline, the Committee received 30 additional reports from Member States, an increase of more than 30 per cent.

The Council will recall that at that time I made several observations about the reasons for non-submission but concluded that the 15 letters did not provide sufficient basis for a proper analysis. The

Monitoring Team was therefore requested to contact a number of the non-reporting States to seek further clarification or to provide the Committee with a more in-depth analysis. It should be noted that since I submitted the report on 27 April, three other States submitted their reports. Of the 65 non-reporting Member States, 37 are from Africa, 15 are from Asia/Oceania and 13 are from Latin America and the Caribbean.

The Monitoring Team contacted most of the States that did not report through their Missions in New York. There is an indication, from the evidence provided by those Member States, that the lack of a report did not necessarily denote a lack of will to produce one nor, more importantly, a lack of commitment to the international effort against Al Qaeda and the Taliban. The Monitoring Team found much to support its assumption that many non-reporting Member States lacked the capacity or the resources to fulfil their reporting obligations. The preliminary conclusions reached in my report of 27 April were also by and large confirmed and I will therefore focus on the additional conclusions reached by the Monitoring Team.

It is apparent that several Member States are insufficiently aware of the distinct role of the Committee and lack a clear understanding of the differences between the scope of its work and that of the Counter-Terrorism Committee. As a result, some of them had the impression that, because they had submitted reports as requested to the CTC, they had also satisfied their reporting obligations in relation to the Al Qaeda and Taliban sanctions Committee. As members know, paragraph 15 of resolution 1526 (2004) reiterates the need for close coordination and concrete exchange of information between the Committee and the CTC. I agree that greater coordination over the timing and nature of the two sets of reporting requirements would contribute to a more effective response.

The Monitoring Team also found a lack of supervisory and coordination mechanisms at the national level, including, in some cases, between a Member State's mission in New York and the agencies responsible for counter-terrorism in its capital. Some Member States also quoted delays in governmental processes and a lack of information exchange between ministries and departments. Other Member States took the view that the Al Qaeda issue was not of direct concern to their country and they saw no need to give high priority to the reporting requirement. However, the same member States expressed their total commitment to the fight against Al Qaeda.

Some member States gave the impression that they saw the reporting process as a one-way street. The lack of understanding as to how their reports were useful to the Committee appears to have resulted in their having little incentive to provide further assistance or information.

Also, it seems that the reporting culture of many member States is not completely in tune with the reporting needs of the Committee to assess the implementation of the sanctions measures. In general, the reporting style of many member States merely records what has been done politically, rather than offering any analysis of the practicality and effectiveness of the measures on the ground. I want to believe that greater dialogue between member States and the Committee, as requested under paragraph 11 of resolution 1526 (2004), will address this issue.

Finally, I want to echo what members of the Committee have stressed: that the submission of reports on implementation is not an end in itself, but a method for enabling the Committee to determine where and how it can assist States in their implementation efforts, which are essential to achieving progress in the fight against terrorism.

I would like to conclude my statement by referring to the statement made some time ago by the Secretary-General, in which he said that

> "Terrorism is a global threat with global effects. Its methods are murder and mayhem, but its consequences affect every aspect of the United Nations agenda — from development to peace, to human rights and the rule of law". (*S/PV.4618, p.3*)

If the United Nations wants to achieve tangible progress in any area I have mentioned, the fight against terrorism must remain a priority. The prevention of terrorist attacks requires extensive and effective international cooperation and, as such, the United Nations is the only Organization that is equipped to marshal the necessary level of commitment to address this threat, which, given the global network of Al Qaeda, reaches almost every corner of the world. The United Nations provides a forum in which international

standards are articulated and adopted, not only by one State or a few, but by all, and the United Nations serves as an impartial venue within which varying perspectives and concerns may be voiced and considered. In addition, the United Nations is best suited to require States to take action and can institute measures to prevent the spread and occurrence of terrorism through binding Security Council resolutions and sanctions measures. Finally, the United Nations has an indispensable role in ensuring that the vigour with which States pursue various counter-terrorism efforts does not infringe on human rights, the rule of law and related tenets of democratic governance.

I want to assure the Council that, in my capacity as Chairman of the Al Qaeda and Taliban Sanctions Committee, I will encourage and lead the Committee to consolidate and further enhance the achievements of the United Nations in the fight against terrorism. Member States should also be aware that the Monitoring Team and its coordinator are determined to continue their active dialogue with representatives of States here in New York and in capitals.

I should like to take this opportunity, as Chairman of the Al Qaeda and Taliban Sanctions Committee, to appeal to all States to cooperate fully with the Committee and the Monitoring Team and to assist them in the effective discharge of their respective mandates, which is, in the final analysis, for our common benefit and good.

Mr. Adechi (Benin) (*spoke in French*): I thank you, Sir, for organizing this public meeting, which will allow us to take stock of the activities of the Security Council Committee established pursuant to resolution 1267 (1999), entrusted with the implementation of sanctions approved by the Council against Al Qaeda and the Taliban.

On the basis of the exhaustive report just introduced by the Chairman of the Committee, it would appear that the Committee has done outstanding work during the period under consideration. I wish here to commend the activities of Ambassador Muñoz at the head of the Committee, which is an essential link in the United Nations machinery to address threats that Al Qaeda and its associates have wielded against humankind. The mobilization of States within that machinery has been given due priority, and the results achieved have been commensurate with the importance of the meaningful implementation by all States of measures set forth by the Security Council and of the establishment of a list, constantly updated, of targeted individuals and entities. In that regard, we commend the growth in the number of countries that have submitted reports pursuant to resolution 1455 (2003), thus demonstrating their renewed interest in the work of the Committee since the adoption of resolution 1526 (2004) to strengthen its means of action.

Among the factors that have contributed to creating the positive situation reflected in the report before the Council, I would mention, inter alia, the additional efforts to raise public awareness made by the Chairman of the Committee, as well as the initiatives of the Monitoring Team established under resolution 1526 (2004) to streamline the Committee's work. We believe that the fact that some States have not deemed it necessary to adopt new legislative texts in order to incorporate the provisions required by the sanctions into their domestic legal order demonstrates that the rules of the state of law are well suited to the campaign against terrorism, which in many instances can be coterminous with other forms of crime and addressed as such.

The recent visit of the Committee Chairman to Spain and Africa has allowed us to entertain a constructive dialogue with the authorities of countries concerned and to understand their approach to and vision of the fight against terrorism. We note the priority attached to assistance to countries that do not have the human resources and logistics necessary to allow them to be meaningfully engaged in the international community's counter-terrorism activities.

In this regard, we feel that the increased coordination envisaged between the 1267 (1999) Committee and the Executive Directorate of the Counter-Terrorism Committee is of the highest importance. There is thus a need for more active cooperation between countries that are able to provide the required assistance and those that may be targeted by terrorist movements because of their minimal capacity to monitor their own territories. This consideration is clearly reflected in the analysis of reasons put forward by some countries to justify their non-submission of a report pursuant to resolution 1526 (2004). This applies, above all, to those States stating that they lack coordination and supervision mechanisms at the national level with which to coordinate the diverse efforts being made to deal with new terrorist threats. This situation calls for the

Committee, in pursuing a proactive policy to aid the countries concerned, to mobilize adequate assistance for those States so that they can establish national focal points for collecting the information relevant to the Committee's work.

The fact remains that eliminating the threat of terrorism should not be based solely on coercive measures. The fight against terrorism can, and must, also spread its roots to educational systems in order to foment among citizens tolerance and respect for human life in order to counter the spread of fundamentalist ideas of all kinds, also taking into account the need to find a solution to the grave economic and social crises which provide fertile soil for the proliferation of terrorism.

Mr. Holliday (United States of America): I thank Ambassador Muñoz for his very thorough briefing on the work of the 1267 Committee and the Analytical Support and Sanctions Monitoring Team. We also commend and thank him for his strong leadership of the Committee, and we congratulate him on his successful and productive trip earlier this month.

The United States Government welcomes the plans and the focus of the new Monitoring Team. Its preliminary efforts reflect a high degree of professionalism and purpose in achieving the objectives established by the Council in resolution 1526 (2004). We ascribe great importance to the Team's work in support of the Committee, and we will continue to closely monitor its efforts. We encourage the Team to continue coordinating with the Counter-Terrorism Committee.

The United States Government is committed to shutting down all funding sources for Al Qaeda and the Taliban, as well as limiting their movements and preventing their access to weapons. We take this opportunity to remind Member States of their obligations under previous Security Council resolutions, including resolution 1526 (2004), to fully implement the sanctions measures against Al Qaeda, the Taliban and associated entities and individuals. It is especially important that Member States adhere to their reporting requirements mandated in resolution 1455 (2003) to inform the Committee of efforts taken to enforce those sanctions measures. Those reports are the lifeblood of the Committee's efforts against Al Qaeda.

The United States remains ready to assist States that lack capacity and that need assistance to implement the sanctions measures imposed in resolution 1455 (2003) and other relevant Council resolutions. We stand ready to bring pressure to bear on those Member States that are able but unwilling, in order to ensure that a coordinated effort to defeat Al Qaeda proves successful.

As recent events have sadly demonstrated, no State is immune to the threat posed by Al Qaeda and Taliban terrorism. It remain imperative that all 191 Member States act in concert to eliminate the threat to international peace and security posed by the Al Qaeda and Taliban terrorists.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): We thank Ambassador Heraldo Muñoz of Chile for his very comprehensive and detailed briefing on the work of the Security Council Committee established pursuant to resolution 1267 (1999).

The representative of Ireland will later make a statement on behalf of the European Union. As we fully associate ourselves with that statement, I shall confine myself to making some brief observations in my national capacity.

First, I publicly thank Ambassador Muñoz for his recent visit to Spain at the head of a Committee delegation, and especially for expressing solidarity and willingness to cooperate with the Spanish authorities in the wake of the very grave terrorist attacks that occurred in Madrid on 11 March.

For obvious reasons, the fight against terrorism has been a priority for all Spanish people for decades. Following the recent tragic events, that effort has been strengthened even more, if possible, within our firm commitment to international cooperation. In fact, one of the points that was emphasized in the report of the Chairman of the Committee is the need to strengthen cooperation among all States at the bilateral and regional levels, as well as through the relevant bodies of the Security Council, namely the 1267 Committee and the Counter-Terrorism Committee.

In that connection, I wish to note that Spain is among the leading countries in providing technical assistance for combating terrorism. As well, we are working intensely within the framework of the European Union and the Council of Europe to enhance and strengthen cooperation in this area at the European level.

The recent Security Council resolution 1526 (2004) further improves the sanctions regime and has undoubtedly contributed to strengthening communication and fluid contact between the Committee and all Member States, relevant organizations and the Counter-Terrorism Committee. The new Monitoring Team has a primary role in that regard, and its work is essential for the Committee's proper functioning. We welcome the fact that the principle of transparency guides the Monitoring Team and the Committee itself, as attested to by today's public meeting of the Security Council.

The 1267 Committee's main working tool is the consolidated list of persons and entities linked to Al Qaeda and the Taliban and subject to the sanctions regime. That list is almost constantly being updated. We underline that the Committee is working to improve the list and to overcome possible defects such as the lack of sufficient information for some of its entries.

For its part, Spain stands fully ready to make available to the Committee any relevant information in its possession, provided that the publication of that information does not compromise investigations under way and that the relevant legal guarantees are respected.

As the delegation of Spain noted in the Council in January (see S/PV.4892), the 1267 Committee is making progress towards reaching the goals set by the Security Council. However, achieving those objectives ultimately depends on the cooperation of all States and the relevant organizations. We therefore take this opportunity once again to urge all States and organizations to cooperate fully and decisively with the Committee and its subsidiary bodies, which are working effectively to achieve their objectives.

Mr. Bazli (Algeria) (*spoke in French*): I thank Ambassador Muñoz for his informative briefing on the work of the 1267 Committee and the Monitoring Team and on his visit to several countries from 1 to 8 May. At the outset, we should note that the adoption of resolution 1526 (2004) was a further milestone in the conceptual framework of the Committee and that, since its adoption, much progress has been made in the implementation of sanction measures against Al Qaeda and the Taliban. Since the adoption of that resolution, the Committee has undertaken the consideration of many issues pertaining to legal definitions and its own work programme for 2004 and to the list of States that have not submitted reports pursuant to resolution 1455 (2003).

Above and beyond the increase in the number of reports submitted pursuant to resolution 1455 (2003), we note that since January 2004 19 names of individuals and six names of terrorist organizations — some of them proposed by my Government — were added to the Committee's consolidated list. In this regard, I must welcome the spirit of cooperation of the German delegation, with whom we have, on two occasions, taken joint action that resulted in the listing of new names on the list.

I would like to commend the new members of the monitoring team on their appointment and assure them of the full cooperation of the Algerian delegation. I welcome in this regard the fact that pro-active steps have been taken at close range through contacts and interviews with representatives of about 50 Member States with a view to further improving links between the Committee and Member States. Furthermore, the monitoring team has already undertaken a series of tasks and has produced many documents. We take note of that, and we encourage the team to put the final touches on its in-depth overall analysis of the reports submitted pursuant to resolution 1455 (2003).

I wish to reiterate my view that we should further encourage interaction and synergy between the Al Qaeda and Taliban Committee and the Counter-Terrorism Committee, especially through better coordination between the monitoring team and the new CTC Executive Directorate, of which Ambassador Javier Ruperez has just been named head. I would like to congratulate him and assure him of the full cooperation of my delegation.

We fully agree with Ambassador Muñoz with regard to Member States implementing sanctions, as well as with regard to legislative measures such as those related to finance, travel ban and arms embargoes. We note with him that at the conceptual level there seems to be some confusion between money-laundering and the financing of terrorism. We nevertheless believe that this confusion is only apparent, because experience and the facts have shown abundantly that terrorist networks are funded in various ways, including through arms trafficking, organized crime and drug trafficking.

It will be recalled that in my delegation's statement on 12 January on the oral report submitted by Ambassador Muñoz, I strongly encouraged the Committee Chairman and the members of the monitoring team to continue visits to the field to verify implementation of sanctions against the Taliban, Al Qaeda and associated individuals and entities. That approach is part of a concern to develop better interaction between the Committee and Member States on the one hand, and to make up for the lack of information — even the absence of reports — on the other.

We then welcome the fact that the Chairman of the Committee and a team composed of members of the Committee and of the monitoring team and of the Secretariat have carried out a visit that, inter alia, took them to Algeria. Many questions — such as those pertaining to cooperation and exchange of information, funding of terrorist organizations, the submission of names to be added to the consolidated list, arms embargoes and assistance — were discussed with the officials of the States visited. We hope that the Committee will take into account the concerns and problems raised by those officials, as they come within its mandate.

I wish to highlight from this standpoint some elements that we feel are of great interest to the work of our Committee.

First of all, we believe that the procedure for notification — as we have stated in the past — should be encouraged until it becomes embedded in the relevant resolutions of the Committee. In this context I wish to emphasize that my delegation recently initiated a series of informal consultations with members of the Committee with a view to submitting new names for inclusion in the Committee's list. Those consultations have concluded, and we intend to submit the names to the Committee for consideration very soon.

The Security Council must then further examine the propaganda and justification given by terrorists, which in some ways is more dangerous and more harmful than the financing of terrorism.

In view of the fact that terrorism is a global threat, with global effects for both peace and development and for human rights and the rule of law, we believe that it is not only fallacious but dangerous to maintain the distinction between the notions of international terrorism and transnational terrorism. As we see it, States that still draw that distinction should reconsider their concepts and become aware of the interconnection of terrorist networks and their interactions regardless of their motivations, their location and their ways of acting.

Kidnapping is one way terrorist groups collect funds, and we advocate an international ban on payment of ransom.

Lastly, we believe it is useful to think further about better use of the potential and possibilities provided by the United Nations Charter in order to lead States to cooperate fully in the fight against terrorism, including with regard to extradition, which is one of the most important levers of judicial cooperation.

These are a few ideas I wish to convey today in order to contribute to the debate on the ways to strengthen the efforts of the international community in its fight against terrorism.

Finally, I wish to renew my country's firm commitment to the fight against terrorism, to express our full support for the recommendations of Ambassador Muñoz and to encourage the Committee to cooperate fully with the Counter-Terrorism Committee and, more especially, with its Executive Director.

Mrs. D'Achon (France) (*spoke in French*): My delegation also wishes to thank Ambassador Muñoz for his very comprehensive briefing and for all the work he is achieving as Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban. We concur fully with him in his analysis and observations.

My delegation associates itself with the presentation to be made shortly by the Permanent Representative of Ireland on behalf of the European Union. Therefore I will confine myself to two observations.

First, my delegation wishes to reaffirm that, given a changing and persistent threat — as attested to by the cowardly attack in Madrid on 11 March — the international community must remain mobilized. We should not let our guard down. On the contrary, we should strengthen our unity to combat this scourge. Indeed, that is what the member States of the European Union have done, as evidenced by the Declaration on Combating Terrorism adopted on 25 March this year.

In this regard, my delegation welcomes the adoption of Security Council resolution 1526 (2004) in January, which has made it possible to strengthen and improve the provisions for combating Al Qaeda and the Taliban. That resolution should, inter alia, make it possible act more effectively in controlling financial flows. My delegation believes that that is indeed a priority aspect in the fight against Al Qaeda. Bank investigations and the transparency of financial movements are a key element in the struggle against terrorism.

In particular, I would like to underscore the matter of the diversion of funds intended for charitable or humanitarian purposes. In this spirit we strengthened the monitoring regimes not only here but also in the European Union or with the Group of Eight. Non-governmental organizations have been included on the list of the Committee against Al Qaeda. We need to press forward with determination in the control of financial flows. Regular review of the resolution gives us this possibility. Among other things, we need to develop mechanisms for registering funds transfers so as to prevent the abuse of informal systems such as the hawala or human cash couriers. The strengthened links between the 1267 Committee and the Counter-Terrorism Committee will make it possible to improve our shared knowledge, particularly concerning the financing of terrorism.

Secondly, let me recall that the fight against terrorism in general and against Al Qaeda in particular cannot be waged in isolation. In the framework of the Group of Eight, France took the initiative at last year's Evian summit of establishing the Counter-Terrorism Action Group to improve technical assistance and training for third countries, in particular developing countries. We also provide bilateral support in enhancing practical counter-terrorism measures. Finally, we work to promote in-depth political dialogue among Member States on the question of terrorism.

As Ambassador Muñoz said, and as the presidency of the European Union will also say, the fight against terrorism cannot be dissociated from respect for human rights. To the contrary, the fight against terrorism cannot be won without full respect for human rights.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): We are grateful to Ambassador Muñoz for his briefing. During the first half of this year, the sanctions Committee established pursuant to resolution 1267 (1999) continued to pursue an active and robust policy in ensuring the effectiveness of the restrictive measures that the Security Council has imposed against the Taliban and Al Qaeda and associated individuals and entities.

Resolution 1526 (2004), adopted in January, assigned the Committee a series of new tasks, which are now being prepared and carried out. We note with satisfaction the Committee's report (S/2004/349) analysing the reasons why a great number of Member States were unable to submit, pursuant to paragraph 6 of resolution 1455 (2003), reports on all steps taken to implement the measures of the sanctions regime. In that context, we also welcome the beginning of work by the Analytical Support and Sanctions Monitoring Team, which actively cooperated in the preparation of the report. We believe that the Team will provide the Committee with needed expertise in all its basic spheres of activity, that it will help to identify possible cases of insufficient adherence to sanctions, and that it will formulate useful recommendations to further improve measures against the Taliban and Al Qaeda. In our view, its first steps in fulfilling its mandate have been promising.

We attach high value to the Committee Chairman's recent visit to a number of countries pursuant to paragraph 10 of resolution 1526 (2004). The consultations conducted during his trip followed up the Committee's dialogue with Member States on a variety of aspects of this complex sanctions issue. Such dialogue provides us not only with a first-hand view of the status of implementation of the Council's demands, but also with an opportunity for detailed conversations with interested Governments on the practical difficulties they face in meeting those requirements. We endorse the Chairman's view that such cooperation between the Committee and Member States must continue in the future.

We wish to draw special attention to the need for greater care in our approach to the consolidated list of individuals and entities affected by the sanctions measures. Adding to the list and incorporating detailed information on terrorists are tasks not only for the sanctions Committee, but also for Member States at large. Let us not forget that the list is among the most effective instruments in the Security Council's campaign against threats to international peace and security stemming from terrorism.

Among the most complex tasks facing the Committee is that of preparing written evaluations of Member States' implementation of the sanctions regime, pursuant to paragraph 13 of resolution 1526 (2004). We note that there has been significant progress in the submission by countries of their national reports in that regard. Now, the Committee must assess all the information it has received from States, with the assistance of the Analytical Support and Sanctions Monitoring Team. We hope that such assessments will enable the Security Council to take further steps to enhance the effectiveness of the sanctions.

Mr. Motoc (Romania): I wish to join others in expressing appreciation for Ambassador Muñoz's very convincing and comprehensive oral report, which we fully support. I would also like to congratulate Ambassador Muñoz on his successful leadership in making the 1267 Committee one of the most dynamic of the Security Council's sanctions committees. In particular, his initiative and, not least, his resilience in connecting the Committee to the outside world are highly commendable.

I wish also to associate myself with the statement that the Permanent Representative of Ireland will make later on behalf of the European Union. I shall thus limit myself to a few remarks.

First of all, I note the importance of today's meeting. It offers us the opportunity to focus again on one of the most important instruments available to the Security Council in the fight against terrorism. We believe that, since the previous similar meeting, in January, much progress has been made in dealing worldwide with the Taliban and Al Qaeda. At the same time, many threats persist, and new challenges are arising.

Having held a vice-chairmanship of the Committee since January this year, Romania participated with keen interest in the recent visit to selected countries, which took place between 1 and 8 May 2004. We were encouraged to note that all countries visited form part of the global front of the combat against terrorism, such a front is the only way to face the evolving modus operandi of the global network in which Al Qaeda and other terrorists operate today.

Undoubtedly, such field missions generate concrete added value for both the Security Council and the countries visited. They are a way to make the 1267 Committee play more effectively one of its most important roles: that of an interface between the Security Council and the Members of the United Nations, which are called upon to implement its resolutions.

Since the Council's unanimous adoption of resolution 1526 (2004) on 30 January 2004, the Committee has entered a new stage — that of full maturity — as it is now endowed with a coherent and comprehensive set of tools enabling it to better carry out its mandate. But the degree of success depends also on the capabilities on the ground to apply the measures adopted by the Council. The oral report of the Committee Chairman was particularly telling in that regard.

The fight against Al Qaeda and the Taliban must have a solid global texture; any weak component will reduce the effectiveness of the entire system. It is therefore in the interest of the Security Council, the relevant United Nations agencies and international donors to provide assistance to countries which need specific help, for instance in border control. We should also encourage and support the permanent substantive dialogue and exchange of information among countries which are situated in different regions but which today are bound together by their having to face nefarious terrorist activities.

As Ambassador Muñoz rightly pointed out, the collection of reports is not an end in itself but is a means for identifying the action to be taken by the Committee to assist States in their implementation efforts. The reporting cycle required by resolutions 1455 (2003) and 1526 (2004) is now coming to an end. From now on, we should focus on incentives we might consider extending with a view to assisting those States which have had difficulties in fully implementing the sanctions regime.

Mr. Trautwein (Germany): Germany fully subscribes to the statement to be made later by the presidency of the European Union, which will be delivered by the Ambassador of Ireland. I will therefore limit my statement.

First of all, I would like to thank the Chairman of the Committee, Ambassador Muñoz, for his comprehensive and very instructive report. In particular, we appreciate his continued close dialogue with Member States. The countries he recently visited

are important and reliable partners in the struggle against terrorism.

Secondly, I welcome the new Monitoring Team and its coordinator, Mr. Richard Barrett, who have recently taken up their duties and have prepared an ambitious work plan. We commend them for having started their activities by establishing direct working contacts with a large number of Member States. In Germany they will find open doors, as did their predecessors. We are looking forward to continued and fruitful cooperation.

Mr. Valle (Brazil): I would like to start by thanking and congratulating Ambassador Muñoz for his comprehensive presentation of the first quarterly report on the work of the Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban, as foreseen in resolution 1526 (2004), which was adopted in January. As has been pointed out, resolution 1526 (2004) brought changes to the work and structure of the Committee that resulted in a more demanding conceptual and substantive framework for its activities, with particular effect with respect to the newly established Monitoring Team. The Committee and the Monitoring Team are well into the process of taking the procedural measures to capacitate them to fulfil the new functions entrusted to them.

The establishment of direct contact with Member States is a very valuable asset in the work of the Committee. In this regard, I am pleased to refer to three different positive developments resulting from the adoption of resolution 1526 (2004), as registered in today's briefing.

The first is the increase in the submission of reports by Member States, pursuant to paragraph 6 of resolution 1455 (2003), represented by the 33 additional reports, and the submission of letters from 15 other Member States in justification of their inability to submit reports as requested. Even if those letters do not constitute compliance with the reporting requisite, they allow for the establishment of important direct channels of communication with the Member States in question.

The second positive development is the direct contacts being conducted by members of the Monitoring Team. Through those contacts, not only will the Team be more capable of improving its analytical capacity, but it will also be able to increase the level of cooperation extended to States that encounter difficulties in implementing the provisions relevant to combating the Taliban and the Al Qaeda network.

Finally, the useful visits by the Chairman of the Committee to specific countries and regions, as encouraged by resolution 1526 (2004), also constitute a key element, as they increase the awareness of our work directly with the governmental authorities involved in the combat of terrorism and allow the Committee, through the Chairman's reports, to benefit from the feedback of people with direct experience in this field.

Terrorism continues to be a major threat to international peace and security. The international community is, indeed, aware of that challenge, as reflected in the work of the Security Council throughout this year. In the course of a few months, the Council has reinforced the Committee with resolution 1526 (2004), restructured the Counter-Terrorism Committee with resolution 1535 (2004) — which created the Counter-Terrorism Committee Executive Directorate — and approved resolution 1540 (2004) on non-State actors and weapons of mass destruction, which also contemplates the creation of a committee. The parallel establishment of structures to capacitate all three new or restructured committees to perform their functions creates a unique opportunity, which should not be missed, to ensure synergy and complementarity.

I would like to conclude by expressing the recognition of the Brazilian delegation for the tireless commitment and dedication of Ambassador Muñoz and his team to the advancement of the work of the Committee, the efforts of the Monitoring Team — which is fulfilling the roles entrusted to it by resolution 1526 (2004) — and the valuable support extended by the Secretariat to the work of both the Committee and the Monitoring Team.

Mr. Thomson (United Kingdom): I would like to associate the United Kingdom with the statement to be made later by the Ambassador of Ireland on behalf of the European Union.

We very much welcome today's public meeting and the Chairman's oral briefing on the progress that the Committee has made since January. We are particularly encouraged to hear about the Chairman's most recent visit to Africa and Europe. His findings once again demonstrate the usefulness of such visits.

not only in engaging States on implementation of the Committee's measures, but also on issues relating to the fight against terrorism more generally.

The United Kingdom would like to express its appreciation for the efforts made by Ambassador Muñoz as Chairman and for the efforts of all the others involved in conducting such visits. We agree with the recommendations that stemmed from the visit, and we stand ready to assist in taking them forward.

The United Kingdom would also like to take this opportunity to extend a very warm welcome to the new Monitoring Team. We fully endorse the work programme that the Team has submitted. In particular, we welcome the focus that it gives to the need for close cooperation with the Counter-Terrorism Committee. We welcome the proposals to explore how the consolidated list might be improved and the intention to look more closely at the reasons behind non-reporting, as well as to assess Member States' implementation of the measures, the impact that they have and how they might be improved.

The Team's intention to develop a better understanding of the nature of the threat posed by Al Qaeda, the Taliban and their associates will be important in taking forward these initiatives. We very much look forward, therefore, to working with the Monitoring Team and to seeing in due course the reports outlined in the work programme.

I would like to make just four further points. First, we should not underestimate the importance of ensuring that human rights are respected in the fight against terrorism. Addressing human rights is fundamental to addressing some of the root causes of terrorism. Moreover, ensuring that international human rights and refugee and humanitarian law are respected adds to the legitimacy of the sanctions regime and how it is perceived. The measures are wide-ranging, and we must do all that we can to ensure that innocent people are not affected as a result of their implementation.

That brings me to my second point, which is the important issue of the potential for humanitarian consequences arising from the freezing of the assets of mixed entities that provide assistance to the needy as well as to terrorists. The Committee should be aware of this issue and should perhaps consider whether there is anything it can do in such situations. Perhaps it might be possible, for example, to alert relief agencies about a listing which may have humanitarian consequences, so that some provision can be made for those affected. Care would, of course, need to be taken to ensure that any such actions did not weaken the measures or forewarn the target.

Thirdly, on previous occasions we have stressed the need to help and encourage States to implement the measures effectively and thus limit the potential for Al Qaeda and the Taliban to conduct their operations. Technical assistance remains an important part of this.

We fully support the Monitoring Team's plans to collaborate with the Counter-Terrorism Committee in assessing the needs of States. The Committee might also seek to develop best practice for effective implementation, drawing on the successful experiences of other States. Earlier this morning the Chairman gave us the example of the system that one State has developed for non-governmental organizations, charities and other organizations to keep records of financial transactions in order to help with tracing terrorist financing.

We applaud the Monitoring Team's plan to visit Member States that have developed expertise in introducing measures foreseen or unforeseen by the relevant resolutions.

Fourthly, and last but by no means least, I should like to echo the Chairman's earlier remark that terrorism is a global threat and that no State should therefore feel immune from terrorist acts. All States need to be encouraged and assisted in implementing the measures and fighting terrorism. Those States slow to increase their counter-terrorism capacity will become more vulnerable to a terrorist presence as other States make progress on their counter-terrorism measures and force Al Qaeda and the Taliban to find sanctuary elsewhere.

The Chairman's remarks remind us that, although much has been achieved by the Committee, there is much still to do. I should like to close by reiterating that the United Kingdom continues to stand ready to help with the fight against terrorism in whatever way it can.

Mr. Gaspar Martins (Angola): Mr. President, I would like to express my delegation's appreciation to you for having convened this debate on the work of the Al Qaeda and Taliban sanctions Committee, and we thank in particular Ambassador Muñoz for his comprehensive report on and assessment of the

Committee's work. Let me commend him also for the leadership and initiative which he has shown in guiding the work of the Committee. This has been key to the success of the Committee's work.

My delegation has taken due note of the fact that the Monitoring Team is in the process of preparing country profiles based on an analytical study of all the reports so far received. We believe that developing guidelines based on the best practices and lessons learned from the accumulated experiences of previous and existing expert panels and monitoring groups, as well as on pertinent recommendations of working groups on sanctions, might be relevant to the goal of improving the implementation of sanctions within the framework of the Committee established pursuant to resolution 1267 (1999).

By adopting resolutions 1267 (1999), 1390 (2002), 1455 (2003) and 1526 (2004), the Security Council took the unprecedented step of bringing into force legislation binding on all States on the issue of combating terrorism. Those resolutions laid a strong foundation for halting the flow of money to terrorists associated with the Al Qaeda network as well as for preventing their entry into, or transit through, their territories, and for preventing the direct or indirect supply, sale and transfer of arms and similar equipment.

The international community has already made remarkable progress in freezing terrorists' assets. Controlling financial resources is an important aspect of the international campaign against terrorism. The Committee should continue to focus on alternative remittance systems. In that context, it is important to provide greater assistance to States in need of it to improve their financial structures, including banking systems.

The need to make the consolidated lists kept by the Committee available to various institutions other than banks should be given greater attention, including in the context of travel bans.

The position of my country regarding the need to introduce further legislation and amend our legal framework to incorporate the sanctions measures, including financial legislation, is stated in the report that we submitted last year, as requested by resolution 1455 (2003).

The general issues arising from travel bans, arms embargoes and how they can be handled by the Security Council were discussed in the Bonn-Berlin report. We fully endorse its recommendations. My delegation is of the view that credible reports of sanctions evasion have often not resulted in a proactive response by the international community. There is a need to reverse that position. The Al Qaeda and Taliban sanctions Committee therefore needs to coordinate its efforts and cooperation more closely with United Nations agencies and regional and subregional organizations, as well as to strengthen its relationship with the private sector and non-governmental organizations.

In that regard, the Kimberley process for the certification of rough diamonds has demonstrated that financial institutions and insurance and transportation companies both have the capacity and expertise to contribute to the implementation of sanctions. We believe that this is an example which could be followed.

Terrorism is no longer a localized problem that can be solved through domestic actions alone, and the Chairman's report is quite clear on this. It is the view of my delegation that we need long-term solutions to address this problem. Measures to combat terrorism should be based on international cooperation and coordination. Furthermore, the Committee can be successful in fulfilling its mandated tasks only if there is the fullest cooperation from Member States. Such cooperation, as has also been stated by Ambassador Muñoz, should be a two-way street, that is, from the Committee to States and from States to the Committee.

In that regard, we welcome the Chairman's visit to Algeria, Tunisia, Spain and Senegal, which took place from 1 to 8 May. We believe that his visit was very useful in assisting the Committee to observe, in loco, the measures that have been taken by various countries. African countries have been targeted by terrorist actions, and that mission provided a good opportunity to review, in loco, the progress made and the steps taken by the countries of the continent to respond to the terrorist threat.

Today — 25 May — is also Africa Day, and I take this opportunity to acknowledge the happy coincidence of the presentation of the report on the Committee's visit to various African countries.

I conclude by saying that I commend the Monitoring Team for the role it has been playing in furthering the work of the Committee and in monitoring compliance with Security Council sanctions. As in the past, we look forward to working with the Team in a spirit of openness and cooperation, and we hope that the Team will maintain its independence and improve its analytical reporting to the Council.

Mr. Baja (Philippines): We too thank Ambassador Heraldo Muñoz for his comprehensive briefing on the recent initiatives of the 1267 Committee pursuant to its strengthened mandate under resolution 1526 (2004). We also congratulate him on his successful leadership of the Committee, noting particularly his dialogue with Member States in fulfilling his mandate. I hope the Chairman will visit our region in the near future.

Today's meeting is particularly important as the Committee further solicits the cooperation of other Member States to submit their national reports on their implementation and understanding of the sanctions regime against individuals and entities linked to Al Qaeda and the Taliban.

The strengthened mandate under resolution 1526 (2004) has accorded new impetus to the work of the Committee and, consequently, to global efforts to counter terrorism. More submissions of national reports were encouraged by the resolution's setting of a deadline. Through the contacts made by the new Monitoring Team, countries that have not yet submitted reports now have a better understanding of the work of the 1267 Committee and of the reporting requirements. This could result in even more submissions in the near future. My delegation awaits the comprehensive analysis of the national reports.

The Chairman's detailed account of his discussions during his mission to four countries provides us with a snapshot of the current situation of implementation in those countries, including the difficulties they have experienced. My delegation notes, among the recommendations and observations put forward following the Chairman's mission, the wide-ranging avenues by which terrorist activities are being financed: from legitimate means, through commercial transactions such as those of import and export businesses; or through outright illegal means, such as kidnappings and other crimes. The implication of this for the effectiveness of plugging loopholes in traditional modes of funds transfers through the banking system should be examined.

The Committee's work — and, for that matter, the overall global counter-terrorism effort — should continuously evolve to keep ahead of the terrorists. Countries in South-East Asia are pursuing this line. With adequate capacity-building support from other countries and from the international community as a whole, South-East Asian nations have been generally successful in this regard.

The international community's vigilance cannot falter. Resolution 1267 (1999), which created the Committee and the string of resolutions further strengthening the Committee's mandate; the resolutions on the Counter-Terrorism Committee; and other related resolutions, such as resolution 1540 (2004) on non-proliferation: all these attest to the Council's and the international community's vigilance in this regard. Thus, the other recommendations put forward during the Chairman's mission that are deemed outside the scope of work of the Committee should nevertheless be addressed in appropriate forums. We welcome the Chairman's close coordination with other committees, such as the Counter-Terrorism Committee, in pursuit of common goals.

We also share the view of the Chairman and the other delegations that the fight against terrorism and the protection of human rights cannot be separated. Thus, in fighting terrorism, countries should not fall into the trap of violating human rights in the course of that fight. Countries in South-East Asia have also kept this theme in mind.

Mr. Cheng Jingye (China) (*spoke in Chinese*): I wish to express appreciation to Ambassador Muñoz for his comprehensive briefing. We note with satisfaction the important efforts made by the 1267 Committee in implementing resolution 1526 (2004). The Committee's programme of work for 2004 is detailed and practical, and the recent visits undertaken by Ambassador Muñoz to concerned countries proved to be productive. All of this has made a useful contribution to the implementation of the resolution.

I also welcome the presence of members of the Monitoring Team who, in a relatively short period of time, have established a wide range of contacts with many countries to sound out their views. Based on its analysis of the country reports, the Team presented to

the Committee a written assessment of compliance with the sanctions measures. We are confident that the Monitoring Team will keep up the good work in fulfilment of its mandate.

Instrumental in the enforcement of the sanctions against Al Qaeda and the Taliban and associate entities and individuals, the work of the 1267 Committee has become an indispensable link in the counter-terrorist endeavour of the international community. We believe that the Committee should formulate measures and policies in response to the constantly changing circumstances and should improve the sanctions as appropriate, with a view to playing a more effective role in fighting terrorism. We also call on Member States to continue their support of and cooperation with the work of the Committee and to submit country reports to it as required by the resolution. For their part, the Committee and the Monitoring Team should undertake wide contacts and consultations with Member States to further identify the challenges they face in implementing the sanctions and to make practical recommendations on ways to help them overcome those difficulties. We also encourage the Committee to constantly enhance its coordination with the Counter-Terrorism Committee and to maintain close contact with relevant international and regional organizations, to enable their respective advantages and expertise to work in synergy, thus making a greater contribution to the fight against terrorism.

China resolutely opposes terrorism in all its forms and manifestations. The international community should adopt a consistent stand on the fight against terrorism and should eschew double standards. The fight waged by the Chinese Government and the Chinese people against the East Turkestan terrorist organization is an important part of the international community's efforts to fight terrorism and its crackdown on the Al Qaeda network. China will continue its scrupulous implementation of the relevant resolutions of the Security Council. The 1267 Committee can be assured of China's support and active participation in its work. In concert with all other countries, China stands ready to make its contribution to the common fight against the Al Qaeda network.

The President: I would now like to make a statement in my capacity as representative of Pakistan.

I would like to add my voice and that of my delegation to those speakers who have thanked Ambassador Muñoz for presenting the first 120-day oral report to the Council, as required in paragraph 12 of resolution 1526 (2004).

Pakistan fully supports the work of the Al Qaeda and Taliban sanctions Committee. We have taken note of the annual report on the activities of the Committee in 2003, as contained in document S/2004/281. We also appreciate the work done by the new Monitoring Team in the brief period since its establishment. We would like to commend the Chairman of the Committee for his active performance and his contribution, which were reflected in the report presented to the Council this morning.

In the context of today's discussions, my delegation would like to make a few points that we think are important. First, the Committee needs to evaluate the performance of States not simply on the basis of their country reports, but on the basis, mostly, of the actions taken on the ground to counter-terrorism. The practical combat of terrorism must remain the first priority of the activities of the Committee.

Secondly, we have noted the usefulness of the visits of the Chairman of the Committee to various countries — including, this time, to Africa and Europe, and also, last year, to Pakistan — in trying to bring the Committee closer to the ground, so to speak, in addressing the issues that are involved with regard to sanctions against Al Qaeda and the Taliban.

Thirdly, the consolidated list of individuals and entities continues to be a key tool for the Committee, but there is a need to further improve the quality of the information that is provided to assist prosecutors and national authorities to proceed against the listed individuals and entities. At times, this is not sufficient to stand up in the judicial process. In this context, we support the Chairman's recommendation that a system of consultations and pre-notifications between member States submitting names for inclusion on the Committee's list be encouraged.

The Chairman's report has confirmed that, in many cases, States lack capacity to combat terrorism effectively. It is therefore quite important, as pointed out by Ambassador Muñoz, that we continue to focus on the need to build States' capacities, in particular to strengthen border controls to combat terrorism.

As regards the financing of terrorism, apart from other measures, one important step required is the fine-tuning of the international response and extending assistance to States to help them improve their normal financial systems and to prevent all forms of terrorist financing. The international financing system itself needs to become more competitive so as to prevent the large-scale use of the informal channels that become the sources of terrorist financing.

As regards Pakistan's policy role on Al Qaeda and the Taliban, and terrorism in general, let me say a few words. Pakistan has a key role in fulfilling the objectives of the Al Qaeda and Taliban Sanctions Committee. We have played this role in the virtual breakdown of the Al Qaeda organization and network. We have captured over 500 Al Qaeda and associated terrorists, including most of its top leadership. We have cooperated in tracking down members of the organization in several other countries. Pakistan has created a national anti-terrorism capacity — intelligence police, law enforcement and so on — to participate in this effort against terrorism. Our efforts to track down Al Qaeda and associated terrorists on the frontier with Afghanistan are continuing following the recent major operation in that area, with 70,000 members of our armed forces deployed on the border with Afghanistan.

The Al Qaeda and Taliban Sanctions Committee, in our view, faces several challenges. Two of these challenges are fundamental. First is the mutating nature of the Al Qaeda network. The organization, which at its peak was a loose network, appears to have further mutated into smaller splinter groups, often acting independently, coordinating loosely and recruiting globally. This has greatly escalated the challenge of containing, tracking and breaking down these networks. The Chairman's recent visits to African and other countries have confirmed the breadth and the complexity of the challenge.

Secondly, measures against the Taliban confront a very different kind of problem. Al Qaeda and the Taliban became closely associated at the top leadership level in the months preceding 11 September 2001. Elements of this association remain in their cooperation in regions of Afghanistan and along the Pakistani-Afghan frontier region. However, other Taliban elements in Afghanistan may be operating independently of Al Qaeda, utilizing local resentments as their calling card. Others are inactive; some are cooperating with local and national Afghan authorities. President Karzai appears to have adopted a wise strategy of seeking to isolate the hard-core Taliban by securing the cooperation of those persons and groups that do not subscribe to the ideology and objectives of the terrorists. The Committee will need to adopt a similar sophistication in its approach to the implementation of the sanctions regime against the Taliban.

Finally, Pakistan believes that it is time we started working on a comprehensive strategy to combat terrorism. In particular, the international community should not allow the fight against terrorism to be used to suppress human rights, including the right of peoples to self-determination, especially in cases of foreign occupation or alien domination. The two are clearly distinct, and this distinction needs to be maintained through an agreed legal definition of terrorism, which we do not have as yet.

We need to address factors that, if not directly linked to terrorism, contribute to its emergence. These factors include poverty, socio-economic injustices, political repression, foreign occupation and the non-settlement of long-standing and festering disputes between peoples. We particularly support the Chairman's recommendation that there should be a continual awareness of the need to avoid a North-South divide in the fight against terrorism and also to avoid a clash of civilizations. In particular, we must not allow the campaign against terrorism to be transformed into a war against Islam, as some people would wish.

The strategy of enlightened moderation proposed by the President of Pakistan before the General Assembly last year and at the Kuala Lumpur Islamic summit offers a viable policy path for both the Islamic countries and the rest of the international community to promote a strategy of eliminating terrorism through cooperation and mutual support.

I now resume my functions as President of the Security Council.

The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Haraguchi (Japan): First of all, I would like to thank Ambassador Muñoz for his detailed presentation. It is truly regrettable that terrorist acts, such as that in Madrid in which hundreds of innocent

lives were sacrificed, have continued to occur even in the year 2004. Terrorism can never be justified for any reason whatsoever, and we strongly condemn such brutal acts. I wish to extend my deepest condolences to the families of the victims.

Today, the world is watching intently to see how effective the United Nations will be in undertaking counter-terrorism initiatives. In that connection, my Government appreciates the Al Qaeda and Taliban Sanctions Committee, which has demonstrated increasingly greater effectiveness in its efforts in the fight against terrorism. I should add that, in particular, Japan supports Security Council resolution 1526 (2004) and wishes to offer its full cooperation towards the realization of an effective counter-terrorism policy through the implementation of the resolution.

Having heard the Chairman's briefing and reviewed the recent activities of the Committee, I wish to emphasize the following points.

First, in the light of the continuing occurrence of terrorist acts, it is imperative that terrorist access to the sources of financing and of acquisition of weapons for terrorism be cut off. Furthermore, it is crucial that each and every member State implement effective border-control policies, including travel bans. Travel bans are necessary to prevent not only key Al Qaeda leaders, but also the new generation of Al Qaeda members who have managed to elude capture in the international pursuit, as well as resurgent Taliban elements, from moving freely around the world to achieve their terrorist objectives. From that point of view, we strongly hope that more information will be submitted for inclusion in the Committee's consolidated list so that Member States will have access to a more substantial list.

An Al Qaeda terrorist whose name has been included in the consolidated list was recently arrested in Germany. Through the investigation following the arrest we learned that he had been engaged in some activities in my country for a certain period of time under false names. That incident has generated renewed interest in Japan in the consolidated list. In cooperation with interested countries, we intend to add the other names used by that terrorist while in Japan, so as to assist in making the consolidated list more substantive. We also consider it essential that the Committee work in closer cooperation with non-Security Council Member States and other organizations having expertise in that area, such as the Counter-Terrorism Committee (CTC), with a view to facilitating technical assistance for the implementation of sanction measures by Member States.

Secondly, to our regret, according to the report of the Committee (S/2004/349) of 27 April, less than 70 per cent of Member States have submitted reports in response to paragraph 6 of Security Council resolution 1455 (2003). However, I am pleased to learn that since the adoption of resolution 1526 (2004), the number of countries submitting reports has increased by 30 per cent. Along with the overseas visits of the Chairman and the Monitoring Team, the reports to be submitted by all Member States are a source of useful information for the purpose of evaluating the implementation of sanction measures. We believe it is necessary to continue to request those Member States that have not yet complied to submit their reports promptly. We encourage the Committee to further enhance information sharing with the CTC, so that the United Nations as a whole will be able to implement prompt and effective counter-terrorism measures while avoiding duplication of efforts.

Thirdly, according to paragraph 8 of resolution 1526 (2004), the new Monitoring Team established by that resolution is to submit three comprehensive, independent reports on implementation by States of sanction measures, including concrete recommendations for improved implementation of sanction measures and possible new measures. In that context, my Government is deeply interested in the perspectives and the operational plan that the first report of the Team, due by the end of July this year, is expected to provide. We hope that the Monitoring Team will work vigorously for the improvement of sanction measures in accordance with that plan.

We must continue our fight against terrorism in Afghanistan and its neighbouring regions, bearing in mind the above-mentioned points. At the same time, however, I wish to emphasize the importance of extending our efforts to peace and reconstruction assistance, so that Afghanistan may build resistance against terrorism. The political process in that country is now at a critical stage, with the presidential and the parliamentary elections planned for September, as announced by President Karzai at the Berlin Conference in March.

Together with the United Nations Assistance Mission in Afghanistan, Japan is leading the disarmament, demobilization and reintegration (DDR) process in Afghanistan, which, in our view, is key to the progress of the political process. Therefore, while highly appreciating the contribution of the various Afghan groups in the fight against the Taliban regime, we also strongly appeal to them to recognize that participation in the peaceful political process by way of DDR is the surest path to the reconstruction of their homeland. We also wish to appeal to Afghanistan's neighbouring countries and the international community to provide necessary assistance to the process.

The fight against terrorism will require a great deal of patience, and we must remain ever vigilant. This Committee plays a central role in our joint endeavour to combat terrorism. I would like to express our appreciation for the dedication of the Chairman of the Committee, Ambassador Muñoz, and his outstanding staff, as well as for the efforts of the Committee secretariat and the Monitoring Team experts, who recently initiated their activities.

The President: The next speaker on my list is the representative of Ireland. I invite him to take a seat at the Council table and to make his statement.

Mr. Ryan (Ireland): I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania and Turkey, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, and the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

The European Union is grateful for the customary informative briefing provided by Ambassador Muñoz this morning. As Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), and in the assiduous and diligent manner in which he discharges his often difficult responsibilities, he may continue to rely on the wholehearted support of the European Union.

Regular travel to, and interface with, relevant countries and regional organizations is an essential component in the effective conduct of the work of the Committee. This morning Ambassador Muñoz has given us an overview of his recent mission to Tunisia, Algeria, Senegal and Spain. Evident from this overview is the fact that significant and productive dialogue took place during that mission. Regarding Tunisia, Algeria and Senegal, we wish to confirm that the EU remains fully aware that these States have been threatened by terrorism for some time.

We are committed to cooperating closely with the Maghreb countries in meeting this challenge. The Declaration on Combating Terrorism, adopted by the European Council on 25 March 2004, commits the European Union to developing technical assistance strategies to enhance the counter-terrorist capacity of third countries, in coordination with other international organizations and donor States. The European Commission maintains an ongoing programme of work in that regard, as do a number of member States on a bilateral basis. The EU will continue to cooperate closely with our international partners, including the Counter-Terrorism Committee (CTC) and this Committee, to identify those countries where our assistance might most effectively be directed.

The European Union also remains committed to meeting in full our counter-terrorist commitments under the relevant Security Council resolutions. We will continue to cooperate with the Committee and with partner countries to halt the flow of funds and other economic resources to terrorists and terrorist groups, prevent their access to the arms necessary to carry out their attacks and ensure that terrorists will be unable to find safe haven either within the EU or externally. The EU also wishes to recall that any amendments or additions made to the consolidated list of the 1267 Committee are automatically included in the annex of the relevant European regulation.

It is a longstanding position of the European Union that counter-terrorism actions must at all times be accompanied by respect for due process and the rule of law. We reiterate once again that there can be no trade-off between human rights and effective security measures; indeed, respect for human rights must remain an integral part of any comprehensive counter-terrorist strategy. We therefore fully subscribe to the views expressed by the Chairman today on this important matter.

The European Union agrees fully with the conclusion contained in paragraph 12 of the Chairman's analytical summary contained in document S/2004/349 that reports from States are essential in the

international struggle against the scourge and the threat posed by terrorists to the world community.

While we are encouraged to hear of an increase in State compliance, every effort must be made by all concerned to facilitate the submission of outstanding reports. Any confusion regarding reporting requirements must be dispelled. Assistance in the preparation of these reports should be given, where needed. While it is recognized that there may be legitimate reasons precluding timely submission of reports by some States and that these difficulties should be promptly addressed, an unfortunate signal is sent to the outside world by the uneven or inconsistent submission of reports by States. The European Union therefore strongly urges the States concerned to liaise closely with the Committee and the Monitoring Team so that all outstanding reports may be submitted without further substantial delay.

As the Chairman has observed, a new Monitoring Team has been constituted since he last addressed the Security Council on the activities of the 1267 (1999) Committee. The work of the Monitoring Team will be vital to ensuring the long-term success of the Committee itself. In addition to analysing means of ameliorating the level of submission of national reports and their quality, the Team has an equally important role in assessing how effective existing resolutions, legislation and controls have been in combating terrorist financing, hindering the movement of terrorists and upholding arms embargoes. In that regard, we encourage the Monitoring Team to continue to develop its working relationship with the Counter-Terrorism Committee Executive Directorate in order to maximize synergies and avoid duplication in their closely related work. The European Union very much looks forward to receiving the Monitoring Team's detailed reports over the coming months and will, as always, analyse them most carefully.

Before closing, it would be remiss of me were I not to thank Ambassador Muñoz most warmly, on behalf of the European Union, for agreeing to meet recently, and at some length, with both the European Union Coordinator on Counter-Terrorism, Mr. Gijs de Vries and, only a few days later, with a high-level European Union Troika counter-terrorism delegation. We look forward to continued close consultation and cooperation with him, the Committee and the Monitoring Team.

The President: The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Nambiar (India): We thank you, Sir, for arranging this public meeting of the Security Council on an issue of particular importance and relevance to the United Nations membership.

The adoption of resolution 1526 (2004) in January this year marked another important step in the work of the Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban. We thank Ambassador Heraldo Muñoz for his briefing this morning and for his exemplary stewardship of the 1267 Committee.

The Committee has been proactive in pursuing its mandate, one that is critical to the interests of the international community. The travel of the Chair to selected States will undoubtedly enhance the Committee's understanding of situations particular to each State and enhance the cooperation the Committee can elicit from the States concerned.

We are also confident that the establishment of the newly constituted Monitoring Team will impart further impetus to the Committee and increase its analytical and operational capacities. We believe that the efforts of the Committee to expand the Taliban/Al Qaeda list, to increase information-sharing between the Committees and Member States, to extend assistance to States in meeting their obligations under the relevant resolutions, to pursue best practices and to enhance its cooperation with the Counter-Terrorism Committee are all steps in the right direction.

A few days ago, on 23 May, 33 people, including a number of women and children, were killed when the vehicle they were travelling in was blasted along the Jammu-Srinagar national highway. The banned terrorist outfit, Hizbul Mujahideen, has claimed responsibility for the attack. Describing this as yet another instance of the grave threat terrorism poses to India's integrity and progress, the Prime Minister of India, Mr. Manmohan Singh, declared that "while we will continue to seek a peaceful resolution to all outstanding problems, there can be no compromise on our solemn resolve to deal with the menace of terrorism with firm determination".

It is evident that the scourge of terrorism is increasing in intensity and spread worldwide. The

increasingly sophisticated tactics and use of systems and equipment by terrorists, coupled with their continuing ability to elude the restrictions placed by Governments on their movements and their access to arms and financing, suggest that it is time for the international community to pool its resources and come up with effective new counter-strategies to combat international terrorism.

In our view, the development of approaches and solutions to tackle terrorism has to cater to regional and national specificities. There is need to adopt a multi-track approach that takes account of differences in the stages of development and the use of technology in different parts of the world. There are likely to be significant regional variations among Europe, Latin America, West Asia and South Asia in the handling of border controls, money transfers, small arms, counterfeit documents, narcotics and surveillance of communications. Although such variations are inevitable, considering the different stages of economic development and the use of technology in those regions, international counter-terrorism efforts must respect and respond to such diversity if they are to be fully effective and yield results.

We would like to underline the inter-linkages among different terrorist groups. They support one another, and their organizations' memberships and ideologies mutate. Thus they cannot be addressed on the basis of a segmented approach. We call upon the 1267 Committee to keep in mind this aspect of inter-linkage as it pursues work related to Al Qaeda and the Taliban.

The 1267 Committee and the Counter-Terrorism Committee and their operational arms will need to orient themselves to the different systems and loopholes that terrorist networks utilize to further their objectives. Such an approach implies close cooperation with officials and experts from countries with the required experience and expertise in dealing with such situations. The Committee must adjust its policies accordingly. Likewise, in crafting its resolutions, the Council must sharpen the instruments available to it for tackling the varying strategies and techniques employed by terrorists. By providing, to the maximum extent possible, complete details of the identification of the terrorists included in the Al Qaeda/Taliban lists, the Committee will assist Member States to take timely and effective action against such individuals.

The cold reality is that the Taliban and Al Qaeda are far from finished. On the contrary, they have begun to emerge from the woodwork in different areas and are adapting and refining their tactics. The 1267 Committee represents a key multilateral component for containing the threat posed by those terrorist groups. Much will depend upon the Committee's continued and focused effort as well as its ability to face the issues head on, without fear or favour.

The global ramifications of terrorist threats are unlikely to dissipate in the near future. No country can claim to be immune from the reach of terrorism. The international community will have to be united in sustaining and persevering in its collective campaign to root out this menace.

The President: Since this is perhaps one of Ambassador Nambiar's final appearances before the Security Council, may I, on behalf of the Council members, address him and wish him all the best in his future pursuits.

The next speaker inscribed on my list is the representative of Costa Rica. I invite her to take a seat at the Council table and to make her statement.

Mrs. Chassoul (Costa Rica) (*spoke in Spanish*): Allow me to begin by thanking Ambassador Heraldo Muñoz, Permanent Representative of Chile, for his briefing on the work of the sanctions Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and for the list submitted pursuant to paragraph 23 of resolution 1526 (2004) (S/2004/349, annex II).

Costa Rica has always been firmly committed to combating international terrorism in all its forms and manifestations. My country strongly endorses the measures adopted by the Security Council to bring to justice those responsible for committing and preparing terrorist acts and to prevent such criminal acts from being committed. For this reason, Costa Rica fully supports all measures that may be necessary, in keeping with international law, to dismantle the criminal Al Qaeda network and the Taliban. Fortunately, to date, no individual associated with Al Qaeda or the Taliban has been located on Costa Rican territory, and it has been determined that they do not possess assets in our country.

Concerning the list presented in keeping with resolution 1526 (2004), I wish to stress the point that

on 30 April the Government of Costa Rica presented the Chairman of the Committee with an exhaustive report on the measures my country has taken to implement sanctions against Al Qaeda and the Taliban. We hope that the report will be circulated as soon as possible as an official document of the Security Council.

As regards our experience in implementing resolution 1267 (1999) and subsequent resolutions, I would like to underscore that the implementation of these sanctions is a highly complex process and, accordingly, requires time in order to carry it out correctly. In Costa Rica, for example, implementation requires coordination among various public agencies, including the department of intelligence and security, the directorate-general on foreign immigration, the police force, and the offices of the superintendents-general of financial institutions, of securities and of pensions, as well as cooperation among all the country's public and private financial institutions.

Moreover, the list of individuals subject to sanctions is difficult to work with. The information provided is in some cases insufficient to identify with certainty the persons subject to coercive measures. For that reason, the Committee should provide States with more information, so as to enable them to clearly identify such persons. At the same time, confidentiality in the work of the Committee must be maintained, so as to prevent further information leaks that would erode Member States' trust in that body.

In addition, in order to facilitate judicial and police cooperation, it is essential that there be sufficient substantiated evidence and open judicial investigations concerning each and every person who appears on the list. In keeping with the basic principles of human rights and due process, if it proves necessary to take measures against such individuals or their assets, the relevant judicial authorities must be provided with concrete evidence showing that the measures are justified. The Inter-American Commission on Human Rights, for example, has stated that if a person is arrested without such detention being ordered or supervised by the competent judicial authorities, there is a clear risk not only of that person's legal rights being undermined, but also of his or her physical safety being jeopardized. For that reason, we believe that a mechanism should be set up that will enable States to have ready access to relevant information. In this regard, the mechanisms already established by Interpol should be used.

The submission of lengthy and repetitive reports is a heavy burden for countries that are overwhelmed by increasingly detailed and lengthy questions. It is essential to establish better coordination among the various United Nations bodies responsible for counter-terrorism activities. As we indicated earlier, my delegation is convinced that combating terrorism should become a permanent activity of the United Nations. We believe that coordinating the international fight against terrorism should be entrusted to an independent, professional and permanent body located in the heart of the Organization's structure.

We have accordingly proposed the creation of the post of United Nations high commissioner against counter-terrorism, with its own office, which would assist the Security Council, the General Assembly and the Economic and Social Council. We believe that the new body should take over not only the activities now carried out by the Counter-Terrorism Committee and the 1267 Committee, but also the counter-terrorism activities of the United Nations Office on Drugs and Crime and the assistance, coordination and information work done within the Secretariat. In addition, that office should become a facilitator for coordination and cooperation among the various national agencies that are working to combat terrorism, such as the ministries of justice, the judicial agencies and the police forces of the various States Members of the United Nations. Only by creating such a body will we be able properly to tackle the challenge of international terrorism.

The President: I invite the representative of Costa Rica to resume the seat reserved for her at the side of the Council Chamber.

I now give the floor to Mr. Heraldo Muñoz, Chairman of the 1267 Committee, to respond to the questions and comments that have arisen in the debate.

Mr. Muñoz (*spoke in Spanish*): I would like first of all to express my thanks for the expressions of encouragement to me in my work as Chairman of the Security Council's Al Qaeda and Taliban sanctions Committee. I would also pay tribute to the tireless work of the other members of the Committee, the Monitoring Team and the Secretariat, without their support, we would be unable to move forward in our work.

No specific questions have been asked, but I would like, all the same, to express my thanks for the suggestions offered by various delegations. They will be duly taken into account both by our Committee and by the Monitoring Team. As some delegations have said in acknowledging our work, much still remains to be done, and we are committed to tackling those outstanding challenges. It is not just a question of receiving reports — and we hope that we will receive them all, as we must; we also need to continue with our visits and dialogue in the field. Through direct communication, this will help to dispel concerns and deal with problems associated with the implementation of sanctions as well as enable us, often, to receive suggestions which will improve our work.

We hope that in the next few months we will be reporting in writing on our work and the work of the Monitoring Team and that, ultimately, the cooperation between Member States and the Committee will continue to improve, since this is what would really make our task and our counter-terrorism efforts easier. That work, we all know, is being actively carried out and requires more preventive measures and more concerted action from the Security Council and from all Members of the United Nations.

The President: I thank Ambassador Muñoz for his comments.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.45 p.m.

United Nations S/PV.4976/Corr.1

Security Council

Fifty-ninth year

Provisional

4976th meeting

Tuesday, 25 May 2004, 10 a.m.

New York

Corrigendum

Page 2, first column, first paragraph, fourth line

Delete South Africa

04-38453 (E)

United Nations S/PV.4977

Security Council

Fifty-ninth year

Provisional

4977th meeting

Tuesday, 25 May 2004, 6.55 p.m.
New York

President	Mr. Akram	(Pakistan)
Members	Algeria	Mr. Bencherif
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Tarisse da Fontoura
	Chile	Mr. Maquieira
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Sitnikov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Holliday

Agenda

The situation of Côte d'Ivoire

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-36469 (E)

The meeting was called to order at 6.55 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

The President: I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Diarrassouba (Côte d'Ivoire) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council reiterates its grave concern at the events which occurred in Côte d'Ivoire at the end of March and at the current impasse in the peace process defined in the Linas-Marcoussis Agreement.

"The Security Council recalls that it endorsed the Linas-Marcoussis Agreement, which is the only solution to the crisis in Côte d'Ivoire.

"The Security Council reaffirms the individual responsibility of each of the Ivorian actors to ensure the full implementation of the Linas-Marcoussis Agreement. It reiterates its complete readiness to take any necessary further steps, against individuals who block the full implementation of the Linas-Marcoussis Agreement.

"The Security Council takes note of the report of the commission of inquiry of the Office of the High Commissioner for Human Rights on the events that occurred in Abidjan on 25-26 March with deep concern. It expresses its appreciation for the work by the Office of the High Commissioner for Human Rights.

"The Security Council strongly condemns the violations of human rights and international humanitarian law committed in Côte d'Ivoire, including those that occurred in Abidjan on 25-26 March, and expresses its determination to ensure that those responsible for all these violations are identified and that the Ivorian Government brings them to justice. The Security Council expects President Laurent Gbagbo to comply fully with the commitment he has made in this regard through the letter sent by the Permanent Representative of Côte d'Ivoire to the Security Council on 20 May 2004.

"The Security Council requests the Secretary-General to establish, as soon as possible, the international commission of inquiry, as recommended by the commission of inquiry of the Office of the High Commissioner for Human Rights, and requested by the Government of Côte d'Ivoire, in order to investigate all human rights violations committed in Côte d'Ivoire since 19 September 2002, and determine responsibility. The Security Council calls upon all the Ivorian parties to cooperate fully with this international commission of inquiry.

"The Security Council reiterates its demand for the Government of Côte d'Ivoire to bring to justice those responsible for these violations of human rights. In this regard, it expresses its readiness to consider the envisage possible practical assistance to the Ivorian judicial authorities in this end, and requests the Secretary-General to submit recommendations in this regard [illegible] by 15 August.

"The Security Council is deeply concerned by the use and accumulation of arms, in particular those delivered against the provisions of the United Nations Operation in Côte d'Ivoire (UNOCI), and urges all the Ivorian actors to refrain from any action or statement likely [illegible] to the calling which put at risk the security of United Nations personnel and, more globally, the process of national reconciliation. The Security Council recalls the obligation of all Ivorian actors, in particular the Government of Côte d'Ivoire, to cooperate fully in the deployment and operations of UNOCI, which is there at the request of the Government, in particular

by guaranteeing the safety, security and free movement of all United Nations personnel.

"The Security Council requests UNOCI to establish without delay its broadcasting capacity as mandated in its resolution 1528 (2004) of 27 February 2004.

"The Security Council recalls that it decided, on the basis of the commitment of all Ivorian political forces to implement fully and without conditions the Linas-Marcoussis Agreement, to deploy UNOCI to support the process of peaceful settlement of the crisis, which is to lead to the organization in 2005 of open, free and transparent elections.

"The Security Council underlines that no concrete progress can be made in the implementation of the Linas-Marcoussis Agreement until the Government of National Reconciliation composed on 13 March 2003 and completed on 12 September 2003 meets again under the authority of the Prime Minister.

"The Security Council is therefore deeply concerned by the recent announcement by President Gbagbo that he would dismiss opposition ministers. The Security Council also reiterates its concerns at the continuing non-participation of the opposition parties in the Government of National Reconciliation. The Security Council considers that such decisions undermine the normal functioning of Ivorian institutions and resumption of dialogue between Ivorian parties which is the basis of the Linas-Marcoussis Agreement.

"The Security Council underscores the importance of having all relevant Ivorian parties participate fully in the Government of National Reconciliation. In this regard, the Security Council calls on all Ivorian parties to apply faithfully all the provisions of the Linas-Marcoussis Agreement, including those regarding the composition and the functioning of the Government of National Reconciliation, and to immediately resume political dialogue, with a view to ensuring the effective functioning of the Government of National Reconciliation.

"The Security Council reiterates its full support to the Prime Minister, Seydou Diarra, Head of the Government of National Reconciliation, and encourages him to carry on his task until the completion of the peace process, as foreseen in the Linas-Marcoussis Agreement.

"The Security Council recalls the importance it attaches to the early and full adoption of the constitutional and legislative reforms provided for in the Linas-Marcoussis Agreement.

"The Security Council takes note in this regard of the renewed commitment of President Laurent Gbagbo, in his message to the nation on 18 May, to fully apply the Linas-Marcoussis Agreement and his request addressed to the Parliament to accelerate the achievement of the legislative reforms. It is now expecting these commitments to be fulfilled in order that concrete steps can be undertaken to restore confidence.

"The Security Council also reaffirms the urgency of disbanding militias and armed groups and proceeding with operations to regroup the opposing forces in order to permit the start of disarmament and demobilization, which must precede their reintegration into the regular army or civilian life.

"The Security Council firmly rejects the assertion that disarmament can be delayed until after the 2005 elections and calls on all parties to move immediately to begin this process.

"The Security Council underlines the responsibilities of the Monitoring Committee as the guarantor of the implementation of the Linas-Marcoussis Agreement and expresses its appreciation for further efforts it may undertake in order to overcome the current impasse in the peace process as well as in supporting UNOCI to carry out its mandate.

"The Security Council calls on all parties to take immediate action to implement the steps above and emphasizes that these measures are essential to enable Côte d'Ivoire and Ivorians to return to the path to peace, stability and economic development."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/17.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.05 p.m.

United Nations S/PV.4978

Security Council

Fifty-ninth year

Provisional

4978th meeting

Tuesday, 25 May 2004, 7.05 p.m.

New York

President	Mr. Akram	(Pakistan)
Members	Algeria	Mr. Bencherif
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Tarisse da Fontoura
	Chile	Mr. Maquieira
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Sitnikov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Holliday

Agenda

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-36475 (E)

The meeting was called to order at 7.05 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw attention to the letter dated 25 May 2004 from the Permanent Representative of the Sudan addressed to the President of the Security Council, contained in document S/2004/425, which refers to the humanitarian situation in Darfur.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Council expresses its grave concern over the deteriorating humanitarian and human rights situation in the Darfur region of Sudan. Noting that thousands have been killed and that hundreds of thousands of people are at risk of dying in the coming months, the Council emphasizes the need for immediate humanitarian access to the vulnerable population.

"The Council also expresses its deep concern at the continuing reports of large-scale violations of human rights and of international humanitarian law in Darfur, including indiscriminate attacks on civilians, sexual violence, forced displacement and acts of violence, especially those with an ethnic dimension, and demands that those responsible be held accountable. The Council strongly condemns these acts, which jeopardize a peaceful solution to the crisis, stresses that all parties to the N'Djamena humanitarian ceasefire agreement committed themselves to refraining from any act of violence or any other abuse against civilian populations, in particular women and children, and that the Government of Sudan also committed itself to neutralizing the armed Janjaweed militias, and urges all parties to take necessary steps to put an end to violations of human rights and international humanitarian law. In this regard, the Council takes note of the recommendations of the High Commissioner for Human Rights in his report dated 7 May.

"The Council reiterates its call on the parties to ensure the protection of civilians and to facilitate humanitarian access to the affected population. In that regard, the Council emphasizes the need for the Government of Sudan to facilitate the voluntary and safe return of refugees and displaced persons to their homes and to provide protection for them, and also calls upon all parties, including opposition groups, to support these objectives. The Council calls on all parties, in accordance with the provisions of resolution 1502 (2003), to allow full unimpeded access by humanitarian personnel to all people in need of assistance and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and their assets.

"The Council, while welcoming the ceasefire agreement signed 8 April in N'Djamena, Chad, emphasizes the urgent need for all parties to observe the ceasefire and to take immediate measures to end the violence and calls on the Government of Sudan to respect its commitments to ensure that the Janjaweed militias are neutralized and disarmed. Stressing that a ceasefire commission with international representation is a central component of the 8 April agreement, the Council expresses its full and active support for the efforts of the African Union to establish the ceasefire commission and protection units and calls upon the opposition groups and the Government of Sudan to facilitate the immediate deployment of monitors in Darfur and to ensure their free movement throughout Darfur. The Council also calls upon Member States to provide generous support for the efforts of the African Union.

"The Council welcomes the announcement by the Government of Sudan that it will issue visas to all humanitarian workers within 48 hours of application, eliminate the need for travel permits, and facilitate the entrance and clearance of equipment imported for humanitarian

purposes. The Council acknowledges the appointment of a fact-finding commission by presidential decree. The Council, however, is seriously concerned about continued logistical impediments prohibiting a rapid response in the face of a stark and mounting crisis and calls upon the Government to fulfil its announced commitment to cooperate fully and expeditiously with humanitarian efforts to provide assistance to the imperilled populations of Darfur, noting with particular concern that the humanitarian challenge will be aggravated by the imminent onset of the rainy season.

"The Council calls upon the international community to respond rapidly and effectively to the consolidated appeal for Darfur.

"The Council observes with distress the prolonged absence of an accredited Resident Coordinator/Humanitarian Coordinator and affirms the need for the immediate appointment and appropriate accreditation of a permanent Resident Coordinator/Humanitarian Coordinator to ensure daily coordination in order to address impediments to humanitarian access brought to the United Nations attention by the international aid community.

"The Council encourages the parties to step up their efforts to reach a political settlement to their dispute in the interest of the unity and sovereignty of Sudan.

"The Council requests that the Secretary-General keep it informed on the humanitarian and human rights crisis as it unfolds, and, as necessary, to make recommendations."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/18.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.15 p.m.